

Nien-Tsu Yu; to the Committee on the Judiciary.

By Mr. JAMES V. STANTON:

H.R. 2117. A bill for the relief of Francesco Giuttari; to the Committee on the Judiciary.

By Mr. TALCOTT:

H.R. 2118. A bill for the relief of Cheryl Lynn V. Camacho; to the Committee on the Judiciary.

H.R. 2119. A bill for the relief of Maria Gilda Jimenez-Alcala; to the Committee on the Judiciary.

H.R. 2120. A bill for the relief of Judy Ann Allen, Katherine Adell Cooper, Victoria Machado Davenport, Margaret Agnes Davidson,

Linda Mae Epperson, Tom Epperson, Josephine M. King, Ronald Lowell King, Wesley Bryant King, Richard Phillip King, Steven Dale King, Randolph Clark King, Weldon Scott King, Rebecca Laureen King, Russell Eugene King, Sharon Lee Smith, and Delores Y Fernandez Winje; to the Committee on the Judiciary.

#### PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

11. By the SPEAKER: Petition of the city council, East Orange, N.J., relative to funding for juvenile delinquency programs; to the Committee on Appropriations.

12. Also petition of the Board of Directors, National Council for Urban Economic Development, Washington, D.C., relative to economic revitalization of the Nation's cities; to the Committee on Banking, Currency, and Housing.

13. Also, petition of the North Park Republican Assembly, San Diego, Calif., relative to the United Nations; to the Committee on Foreign Affairs.

## EXTENSIONS OF REMARKS

### HARLEM'S NATIONAL BLACK THEATER A VITAL COMMUNITY INSTITUTION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. RANGEL. Mr. Speaker, the Black National Theater in Harlem founded and directed by Ms. Barbara Teer has been one of the most valuable, worthwhile, and exciting programs in our community. Since 1968 they have been a positive force in Harlem, asking people indirectly to confront their own lives and celebrating constantly the achievements and experience of black writers, artists, and scholars.

I would like to submit the following article recently written by Carlos Ortiz of the Community News Service on the accomplishments of the National Black Theater, not only to inform my colleagues of the many activities in which the National Black Theater is involved, but also to honor Ms. Teer and her organization for their genuine dedication to the Harlem community and its undiscovered reservoir of potential writers, artists, and scholars.

The article follows:

#### HARLEM'S NATIONAL BLACK THEATER STILL GROWING

(By Carlos Ortiz)

OCTOBER 14.—Barbara Ann Teer's dream has already been realized; but the National Black Theater, the embodiment of Ms. Teer's life-long ambitions, has not ceased growing and, under her leadership, continues to expand.

The National Black Theater (NBT) was founded by Ms. Teer in 1968; but a comparison of the present form of this Pan-Africanist cultural institution to the workshop from which it spawned, reveals the extent to which Ms. Teer's carefully cultivated idea has blossomed.

NBT, located at 9 E. 125th Street, has undertaken a series of weekly programs designed "to share, in direct communication, the experience and expertise of Black writers, scholars and artists with the community they serve."

These programs, entitled "Blackenings," are presented every Sunday at 2 p.m., with guest appearances (as lecturers/demonstrators) by different, prominent Blacks each week.

Speakers last year included Stokely Car-

michael, Judge Bruce Wright, poetess Sonia Sanchez, writer-performer Nikki Giovanni and musician Alice Coltrane.

This year's series began October 4 and featured internationally known Nigerian artist, Michael Olatunji who was followed on October 13 by Ron Johnson, assistant producer of the television show "Positively Black," and Chester Higgins, author of a number of award-winning photographic documentaries on Black life styles.

This coming Sunday, October 20, NBT will host "The Rwensori's African Review," a 16-member troupe of singers and musicians on tour from Uganda. The evening will mark the first time an East African group of artists will perform in the United States.

"Blackenings" consist of three principal stages: an African market (with various artifacts of African culture, including health foods, incense and jewelry); the guest speaker's presentation and a question and answer session.

NBT, which is a non-profit, tax-exempt organization, also operates an education workshop series, with such courses as acting and video workshops, workshops in "individual liberation and creative expression," "Dimensions in Black Music," and "New Directions in Man-Woman Relationships."

However, the essential force of motivation which rests at the heart of NBT is the belief that the theatre can be used as a tool "to create a wider communication—Black people with Black people—to attempt to reverse the process of negative thinking that has been entrenched within our people and replace it with positive thoughts through the process of self-examination."

It is toward the attainment of that admittedly ambitious goal of raising Black awareness that the 30 members of NBT have strived within the last two years via their travels to Africa and Haiti.

What has emerged from their travels and constant study and re-examination is a philosophy which NBT employs in its performances—the belief that "acting is a study of life" and that Black life throughout American history has evolved through five distinct stages: "nigger, negro, nationalist, militant, revolutionary," said Ms. Hasani, a spokeswoman.

The revolutionary spirit instilled in NBT by its founder and director, Ms. Teer (who was at one time considered "the up and coming Black actress" of the "legitimate" stage) is, undoubtedly, directly responsible for the group's fervor and for its success at obtaining an audience from a wide-ranging spectrum of the Black community.

NBT's future success appears certain, if for no reasons other than the unity and dedication exhibited by the group's cohesive members.

### SEEKING CURES FOR THE NATION'S ECONOMIC ILLS

HON. JAKE GARN

OF UTAH

IN THE SENATE OF THE UNITED STATES

Thursday, January 23, 1975

Mr. GARN. Mr. President, President Ford has made a comprehensive statement on the economy, and further details are expected shortly. For their part, the congressional Democrats have taken to the air to broadcast a critique and to offer some alternatives. The details of our actual course of action will be hammered out in tough bargaining among the White House and the two Houses of Congress, with input from economists and the public. While I would not at this time venture specific measures, the following are some principles by which I shall be guided as I evaluate any proposals made:

First. The best way to stimulate the economy in a way that will not be inflationary is to encourage capital investment and production. Federal deficits tend to dry up capital markets and thus make investment difficult. The administration has now announced that it will be borrowing \$28 billion this year and has warned that this action will have an adverse impact on interest rates. It seems clear to me that tax cuts and rebates must be matched by cuts in spending.

Second. The marketplace is the fairest, most effective mechanism for allocating scarce energy resources. Rationing would produce inequities and misallocation and would require an expensive administrative bureaucracy. While a rise in gas prices is a bitter pill, it can reduce our dependence on oil and encourage the development of the alternative energy sources so necessary for energy independence.

Third. We must look at the long run and not over-react to a short-term crisis. Unemployment is not desirable, but there is little evidence that double-digit inflation will reduce it. The surest way to a strong employment picture is through a strong economy, free from the distortions produced by Government regulation, and massive deficits.

Fourth. Government spending is almost always spending for consumption, while what we need is production. Consequently, the presumption must be

against any new spending programs. Many things are desirable, but few things are essential to the survival of our society. That essentiality must be made the test.

These are the principles I will be bringing to the analysis of the proposals we will be hearing on cures for the Nation's economic ills. I think that they are grounded on sound economics, experience, and commonsense. I invite others to consider them in their own analysis.

**CHARLES J. HITCH, PRESIDENT OF  
THE UNIVERSITY OF CALIFORNIA,  
ANNOUNCES HIS RETIREMENT**

**HON. GLENN M. ANDERSON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. ANDERSON of California. Mr. Speaker, nearly a century ago Herbert Spencer wrote that education has for its object the formation of character. I am confident, therefore, that he would be pleased to see the actualization of these lofty words personified in the life of one of California's foremost educators, Charles J. Hitch, president of the University of California.

Much of the worldwide reputation which California has earned for her outstanding educational system belongs to people like Charles Hitch who contribute their time and talents to help their fellow man.

I have had the good fortune to have worked with this dedicated individual nearly a decade ago when I served as a regent to the University of California while he was vice president. Since 1968, he has served as president of one of our Nation's largest universities, having an enrollment of over 116,000 distributed throughout its 9 campuses in the State of California.

In addition to his valuable contributions in the field of education, Charles Hitch has also earned a reputation as an outstanding author, having written several books on economics and military matters; as a researcher, having worked as the chairman of the research council for the Rand Corp., one of the Nation's best nonprofit research corporation; and as a professor, having taught at the Universities of San Paulo, Brazil; Yale; and the University of California, at Los Angeles. Currently he holds an appointment as professor of economics at the Berkeley campus.

During World War II, he actively involved himself in our war efforts in numerous assignments, including his participation on Averell Harriman's first lend-lease mission in London. Later, in 1961, President Kennedy appointed him to serve as Assistant Secretary of Defense as a comptroller.

For his valuable contributions, Charles Hitch has won numerous honors and recognitions, among these include his receiving an honorary doctor of laws degree from the Universities of Arizona, Missouri, and Pittsburgh; a doctor of

science in commerce from Drexel University; a doctor of humane letters from the University of Judaism; and an honorary Fellow for Queen's College and Worcester College, Oxford.

Mr. Speaker, after many years of dedication to the improvement of the University of California, President Charles Hitch has announced his retirement effective July 1, 1975, in order to assume a new position as president of resources for the Future, Inc. This is a nonprofit corporation dedicated to research and education for the development, conservation, and use of natural resources. At a time when we are becoming more aware of the need to conserve our valuable resources, we can be grateful that we will have a man of Charles Hitch's vast experiences, knowledge, and dedication to work in our behalf.

My wife, Lee, joins me in wishing him, his lovely wife, Nancy, and their daughter, Caroline Winslow, our very best in their future endeavors.

#### RULES OF THE HOUSE

**HON. ROBERT DUNCAN**

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 14, 1975

Mr. DUNCAN of Oregon. Mr. Speaker, during my prior service in the Congress in the early sixties, one of the most difficult votes I cast was against the bill to fund what was then known as the Committee on Un-American Activities—today called the Internal Security Committee. Because of the political climate I knew that I would not be on the prevailing side and that there would be only a few who shared my views.

My vote was based first, on the failure of the House to define properly the scope of the committee's authority, and second, on the deficiencies of the procedures of the committee which I deemed to be a serious threat to the civil rights of all Americans.

I stated then that I supported the right, indeed the duty, of the Congress to conduct investigations for legislative purposes in this area which involves the survival of the Nation. Indeed the oath of office that we all took obligated us to defend the Constitution against all enemies from without and within. I believed in the sixties and I now believe the Judiciary Committee to be best qualified to perform that function. Its recent work on the impeachment question should reassure all Americans that the security of the Nation is in good hands with the transfer of this function to Judiciary.

At the time I was certain that those few who so voted, even though they were not destined to prevail, would eventually grow into such a number that that vestigial remnant of Joe McCarthyism would be banished. I was and am proud of my votes in the sixties. I am happy that I was able to return to Congress so that the then lonely voice could be part of the crescendo of democracy we hear today.

#### ON THE REGULATION OF OIL TANKERS

**HON. EDWARD I. KOCH**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. KOCH. Mr. Speaker, I have introduced a bill, H.R. 569, in the 94th Congress to regulate the construction of oil tankers to prevent the pollution of the marine environment. Mr. Eldon Greenberg, who assisted in drafting this legislation, wrote a letter to the New York Times stressing the urgent need for stricter standards for oil tankers as these immense ships pose a growing threat to the quality of our ocean waters. I am including Mr. Greenberg's remarks in the RECORD.

[From the New York Times, Jan. 17, 1975]

#### TANKERS IN NEED OF REGULATIONS

TO THE EDITOR: As counsel to a number of national environmental organizations, I have been concerned about the development of regulations designed to reduce the growing threats to the environment posed by oil tankers. The Jan. 7 report on the grounding of a 237,700-ton supertanker outside the Singapore harbor underscores yet again the urgent necessity for imposing stringent environmental controls on such ships.

More than two and one half years ago Congress, in enacting the Ports and Waterways Safety Act, concluded that "existing standards for the design, construction, alteration, repair, maintenance and operation of [oil-carrying vessels] must be improved for adequate protection of the marine environment."

Although the Coast Guard has had the responsibility under such law for promulgating new standards for oil tankers, no final regulations have yet been put into effect. In the case of U.S. tankers engaged in domestic trade, this delay has already exceeded by six months the statutory deadline. Further, the rules proposed to date by the Coast Guard merely adopt compromise international standards, and they have been widely criticized by Members of Congress, State governments and environmental groups.

Every day of delay in adopting strong national rules threatens to frustrate efforts to protect the oceans against the dangers of oil pollution. Literally hundreds of new tankers have been delivered in the past several years, and shipyards are booked with orders through the late 1970's. The Coast Guard has taken the position that existing tankers and those now under contract need not be subject to certain major design and construction requirements. Thus, its delay has the increasing tendency, as a practical matter, to render the rules ineffectual until sometime in the mid- or late 1980's and leave the large fleet of new oil-carrying vessels free to engage in U.S. trade without meeting stringent environmental standards.

It is essential that the Coast Guard take immediate action to promulgate regulations applicable to oil tankers trading in U.S. waters. Such regulations must not be limited by narrow, conservative choices made by the international community but must involve an independent, progressive and tough-minded determination to require that oil tankers trading in U.S. waters incorporate the best available pollution prevention technology. Only if this is done can we begin to ensure the protection of the vital marine environment.

ELDON V. C. GREENBERG,  
Center for Law and Social Policy.



### HOLDING THE LINE ON FOOD STAMPS

#### HON. H. JOHN HEINZ III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. HEINZ. Mr. Speaker, I am introducing legislation today to permanently block the Department of Agriculture's plan to increase the cost of food stamps to recipients from an average 23 percent of their budget to 30 percent. At a time when unemployment has risen to 7.1 percent and inflation is running above 12 percent annually, food stamps actually stand between survival and desperation for many of our poor and elderly.

Although I am not convinced that the food stamp approach is any substitute for a reform of our inequitable and discouraging welfare system, it is the best answer we have at the moment to assure some Americans money to buy food. As one measure of the sign of the times, food stamp participation has grown from over 13.5 million in June to 15.1 million in October. Today, the number of food stamp recipients is estimated to be as high as 17 million. The program is costly, but attempts to pare it down will only worsen conditions for many people who now live at the edge of despondency. Surely the administration and the Congress can find some other way to save \$650 million from a budget of over \$300 billion, than to take it out of the pockets of the poor and aged.

However, on December 6, 1974, the Federal Register carried USDA's proposed amendment to Notice FSP No. 1975 1-1, which would remove the present sliding scale of income percentages to be paid by food stamp buyers and instead would require all recipients to buy their food stamps at a cost of 30 percent of their net monthly income. This proposal, when added to the inflated cost of living, would substantially increase the cost of food to those in need.

For example, an elderly couple presently receiving \$200 a month income, would pay 20 percent more for their food stamps. They presently buy \$82 worth of stamps for \$50. USDA would require them to spend \$60 a month.

Despite congressional protest led by Congressmen BERGLAND, FRASER, PEYSER and I urging USDA to withdraw their proposal, I understand that the plan will go into effect in March. Nothing short of legislative action can stop the ruinous course the Department has embarked upon to heap more hardship on those already in need.

I ask that the text of my bill be printed below:

H.R. —

A bill to amend the Food Stamp Act of 1964 to prohibit, after January 1, 1975, an increase in the amounts required to be paid by households under regulations in effect on January 1, 1975

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7(b) of the Food Stamp Act of 1964 is amended by striking out "but in no event

more than 30 per centum of the household's income" in the first sentence and inserting in lieu thereof "but in no event may a household be charged more than the amount charged a household of its size and income under the regulations in effect on January 1, 1975".

Sec. 2. The amendment made by this Act shall become effective as of January 1, 1975.

### THE AMERICAN RESPONSE TO ARAB ECONOMIC WARFARE

#### HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. LEHMAN. Mr. Speaker, the oil-producing nations led by Saudi Arabia and other Arab States have begun an economic war against the rest of the world. The exorbitant 400-percent increase in the price of oil is not related to costs or needs. It is an international shakedown.

Both developed nations such as Italy and Britain and developing nations such as India are threatened with economic collapse as a result of the OPEC policy. It is clearly time for this country to take the lead in bringing strong and forceful action to deal with the threats to the stability of Western democracy.

The intelligence and resourcefulness which has made this country great must be utilized to eliminate our need for Arab oil imports as quickly as possible.

One of the keys to America's economic strength is its superior technological base. I believe that a nation which can develop computers, earth satellites, and sophisticated weapons can develop the sources of energy needed to ease the world's dependence on Arab oil.

We should concentrate on the research and development of alternate sources of energy including coal gasification, solar energy, safe nuclear breeder reactors and increased exploration for oil and gas.

Expenditures on energy research and development are now as important for national defense as programs for costly weapons.

In addition to our technical skills, America must utilize its diplomatic skills. Our diplomatic challenge is to unite with Western Europe and Japan in a common effort to overcome the Arab oil threat.

If united action with Western Europe becomes difficult, we should make it clear that we must consider ending our enormous financial commitment to European defense. Those tens of billions of dollars could surely be put to much better use for energy research here at home.

It is my firm hope that we will be able to take united action with the West. A united stand against the Arabs by the developed nations of the West would mean an acceleration of newly announced plans for pooling oil resources in the event of a renewed embargo. It would mean the coordination of energy research and development programs to avoid costly duplication of effort. It would also mean mutual efforts by all nations to limit oil consumption.

### SENTENCING AND THE LAW AND ORDER SYNDROME IN SOUTH CAROLINA

#### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. RANGEL. Mr. Speaker, since 1971, the South Carolina Council for Human Rights has been monitoring the administration of justice in South Carolina. Previously, reports were issued on parole, "A Tradition of Abuse," and the administration of LEAA grants in South Carolina, part of "Law and Disorder III." In October 1974 the council published the third in its series of four administration of justice reports. This most recent study, "Sentencing and the Law and Order Syndrome in South Carolina," is part of the council's continued focus on the complex decisionmaking structure within South Carolina's criminal justice system.

Following its exhaustive study of the sentencing practices of a variety of judges the council concluded that judges are aloof from the community, conflicting goals are sought with individual sentences, existing sentences do not contribute to the effectiveness of the criminal justice system, lawmakers provide no directions or guidelines for sentencing decisions, judges do not regulate the administration of various components of the system, and no routine programs exist to equalize sentences or to develop common policy guidelines. The sentencing study covers almost 100 pages and begins with a foreword written by Robert B. McKay, the dean of the New York University School of Law. It is in the best tradition of the important contributions made to the cause of criminal justice by private groups and individuals. I feel that the South Carolina Council for Human Rights is to be commended for undertaking this study in an effort to further the cause of criminal justice reform.

I place in the CONGRESSIONAL RECORD for the interest of my colleagues, Dean Robert B. McKay's foreword to the study, which clearly and forcefully makes the point that sentencing reform is needed not only in South Carolina and New York, but throughout the Nation:

FOREWORD

(By Robert B. McKay)

The decision to deprive a person of life or liberty is the most awesome that a government can make about one of its citizens. It could therefore be expected that the criminal justice system as a whole, and the sentencing process in particular, would get high priority attention. One could assume that in a rational world the social objectives to be served by the imposition of criminal sanctions, in particular the taking of life or the deprivation of liberty, would be carefully thought out. In light of the gravity of the decision to impose capital punishment or a term in prison, at the very least one could anticipate that there would be standards for sentencing, protections against abuse of discretion, and assurance of minimum guarantees of due process. But what we all know—and incredibly nearly all accept the fact with—

out challenge—is that the presumed standards are part of a mythical world.

In the real world the objectives of criminal sanctions are not agreed upon. We talk a bewildering mish-mash of contradictions about retribution and rehabilitation, about deterrence and incapacitation. Yet the most reliable information is that prisons do not rehabilitate; and deterrence as a goal seems a sham in view of recidivism rates that approach 80 per cent in the first five years after release. Retribution is but another word for vengeance, which a civilized society should repudiate. The only things prisons do well are to incapacitate for the period of incarceration and to punish, for every loss of freedom is punishment.

Conceding the necessity for punishment in some—or even many—cases, there remain the difficult questions of whether to release on probation, to impose a fine, or to imprison, and, if so, for how long. But the statutes give little guidance, and judges are left free to exercise their own discretion, to apply their own biases, all without significant assistance in the important question of how best to balance the interest of society against the human values of an individual life. Indeed, there is a general failure to recognize that very often the societal interest is best served by the decision that will be most helpful to the individual wrongdoer. Yet there is almost no guidance toward the making of that crucial and sensitive determination.

Unhappily, this is not a newly discovered truth. Every study has confirmed the point, particularly in the scholarly analysis by Judge Marvin Frankel in his book "Criminal Sentencing" and the studies of former United States Attorney Whitney North Seymour, Jr., as reported in his book "Why Justice Fails." More recently, a detailed study of sentencing among 50 federal district judges in the Southern District of New York demonstrates in convincing and devastating fashion the lack of pattern in sentencing among even this group of capable and high-minded judges.<sup>1</sup> In the absence of guidelines, unchanneled discretion inevitably leads to unfairness.

The same point has now been strikingly made for South Carolina in the study by the South Carolina Council for Human Rights, "Sentencing and the Law and Order Syndrome in South Carolina."

This study is unique in one respect, however. Judges in the study are not anonymous, but named; and fingers are pointed in no uncertain terms. The study is also more ambitious than most in seeking to draw from its relatively small sample (383 sentences studied) a wide variety of conclusions about the entire criminal justice system, from the nature of the judiciary to the quality of the defense bar.

Despite the wide-ranging nature of the commentary (after all, the criminal justice process is unitary), the recommendations are specific and limited to the sentencing process.

#### CONGRESSIONAL LEADERSHIP

**HON. DELBERT L. LATTI**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. LATTI. Mr. Speaker, the Wall Street Journal of January 23, 1975, carried the following article in its editorial column. I recommend it to all of my Democratic friends:

<sup>1</sup> Federal Judicial Center, The Second Circuit Sentencing Study: A Report to the Judges of the Second Circuit (August 1974).

#### CONGRESSIONAL LEADERSHIP

If President Ford's energy proposals accomplish nothing else, they have at least united Senators Henry Jackson and Edward Kennedy. President Ford currently has authority to go ahead with one part of his energy program, the tax on imported oil. But the two Senators have agreed to sponsor legislation that would delay the tax by 90 days.

It's not that the Democrats are ready with a substitute for the Ford program. Indeed, over in the House, the Democratic leaders recently outlined seven approaches to the energy problem but were unable to agree on which to take. A 90-day delay is needed, the announcement by Senators Jackson and Kennedy explained, to give Congress a chance to "develop fair and equitable alternatives."

It is now 461 days since Saudi Arabia embargoed oil shipments to the United States. Congress hasn't figured out what to do about it, but if it can delay things for another 90 days, maybe it will think of something.

#### NEWSLETTER TO CONSTITUENTS

**HON. LESTER L. WOLFF**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. WOLFF. Mr. Speaker, periodically, I distribute a newsletter to my constituents in a continuing effort to keep them informed of my activities as their Representative in Washington. And often, I use the newsletter as a vehicle to obtain their views on major issues, thus allowing me to function more effectively on their behalf on Capitol Hill. I would like to share with my colleagues my latest newsletter:

#### NEWSLETTER

DEAR FRIENDS AND CONSTITUENTS: A new Congress—the 94th in our nation's history—has convened with a sense of confidence and spirit that it now will exercise its rightful power and obligations as a co-equal branch of government and act to provide meaningful legislation to reconcile the double-barreled problems of inflation and recession.

Behind us lie two years of tumultuous and unprecedented incidents that resulted in the total demise of one Administration and the selection of a new President and a Vice-President, neither of whom was chosen by the electorate.

Is it any wonder America suffered deeply while she struggled to prove that her form of government, founded on a system of checks and balances, can and does work?

The national trauma created by the upheaval within the Executive Branch overshadowed many of the actions your Congress did take to deal with our serious problems.

As your Representative, I am looking forward to the months ahead for I am optimistic that a Congress determined to effect essential change will succeed.

Sincerely,

LESTER WOLFF.

#### ECONOMIC ILLS PRIME CONCERN OF COUNTRY

Today, Americans from all walks of life share an all-pervasive concern that inflation has not been halted, soaring prices have not stabilized and our nation is now faced with the highest rate of unemployment in decades, with little hope for increased productivity to reverse the recessionary trend.

We must come to grips with this multifaceted problem and eschew cosmetic at-

tempts to cure the grave economic ills that threaten our leadership in the world community as well as jeopardize the very future of the life style we have nurtured and rightly treasure.

Ever since you first elected me to Congress 10 years ago, I have been advocating measures I believe would be effective to revitalize our economy and balance the scales of supply and demand to protect you, as a consumer, from further erosion of your pocketbook and resources. These measures center on extensive tax reforms, a reordering of our spending priorities, and an end to ill-conceived "deals" and "giveaways" with foreign nations that provide us with nothing of substance in return.

While I am a firm proponent of foreign assistance as a valuable asset to assure our own security, and as essential to fulfill our humanitarian responsibilities to those less fortunate, I cannot condone foreign aid being doled out imprudently to buy the tenuous "friendship" of uncooperative nations or to further unfair trade practices that sap our nation's economy.

One case in point is the recent agreement made by the President to provide Egypt and Syria with additional tonnage of American wheat at an annual "giveaway" interest rate of three percent—at the same time oil rich sheiks are surreptitiously seeking ways to invest billions of petrodollars, acquired from us, in western food industries to offset any potential food shortages for their people if a new oil crisis is precipitated.

Is this common sense or sound foreign affairs? I think not.

We must stop these exports of our natural resources and essential supplies to oil producing countries that put the squeeze on us, just as we must stop the "grain deals" with the Soviet Union and the People's Republic of China, nations that continue to generate world crises. My Export Priorities Act would limit these exports to surplus supplies only after domestic needs are met at prices Americans can afford to pay.

Too, we must be firm with foreign nations, primarily Turkey and those of Asia's Golden Triangle, that benefit significantly from our economic aid dollars but do not cooperate fully in our efforts to stop the flow of illegal narcotics to our shores to infect our communities. Turkey has lifted the ban on opium cultivation and says she can control production and distribution of the Spring crop to prevent it from reaching illicit channels; but we must remain alert and be ready to act at the first sign of a renewed French Connection operation.

As you are well aware, the daily life of every American is affected by our policies and commitments abroad. The increasing interdependence of nations is more evident than ever—the days are long past when one country can independently resolve its economic conditions, energy and technological needs, consumer supplies and environmental problems.

If we are to successfully control our destiny as a strong nation and once again flourish economically, we must reexamine and redirect both our national and international policies toward a future course that best serves the American people and secures greater equity for our aid dollars.

#### WOLFF BILL WOULD CORRECT SSI FLAWS

One of the greatest shortcomings of the present Supplementary Security Income Program (SSI) is its failure to meet the specific needs of the poor and aging, the blind and disabled.

A recipient whose SSI check is lost, stolen or undelivered or who has cashed the check and is robbed, or who suffers the loss of clothing and furniture by theft, fire or other disaster, virtually is left to shift for himself until the next check arrives. Emergency as-



sistance certainly is in order in these instances and towards this goal I have introduced corrective legislation to provide life-supporting funds and necessities.

A further provision of my bill, HR 17537, would provide "transitional assistance" to a recipient who is moving from a protective environment, such as a hospital or nursing home, to a foster home or apartment. These needy disabled citizens simply do not have resources of their own to acquire the necessary clothing or furniture to maintain themselves. Additionally, my bill would consider the need of many elderly persons who require special diets due to medical problems; would mandate cost of living increases, would prohibit a reduction in SSI payments and restore food stamp eligibility to all SSI recipients.

#### THE FERTILIZER OUTLOOK

### HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. ASHBROOK. Mr. Speaker, in 1974 America's farmers experienced a serious fertilizer shortage. It is estimated that a 10- to 15-percent shortfall occurred in both nitrogen and phosphates. These shortages caused a major increase in the price of fertilizer. It also resulted in many farmers receiving partial allocation.

I have been concerned by some predictions that the Ohio fertilizer situation for 1975 may be no better than in 1974. I expressed my concern to the Secretary of Agriculture. I urged him to look into the current fertilizer situation and to develop some program which would prevent fertilizer shortages in the future.

Following is the text of my letter and the reply by the Department of Agriculture:

HOUSE OF REPRESENTATIVES,  
Washington, D.C., November 20, 1974.

HON. EARL L. BUTZ,

Secretary of Agriculture, Department of Agriculture, Washington, D.C.

DEAR SECRETARY BUTZ: I am deeply concerned by reports that the Ohio fertilizer situation for 1975 may be no better than in 1974.

As you know, last spring America's farmers experienced a 10 to 15 percent shortfall in both nitrogen and phosphates. There was also a substantial increase in price. I do not believe that during these critical times our nation can afford another year of serious fertilizer shortages.

Therefore I urge you to look into the current fertilizer situation. I also urge you to develop a program which will prevent fertilizer shortages in the future.

Enclosed is a recent statement of my views on the fertilizer problem. Thank you for your consideration.

Sincerely,

JOHN M. ASHBROOK,  
Representative to Congress, 17th District.

DEPARTMENT OF AGRICULTURE,  
Washington, D.C., December 19, 1974.

HON. JOHN M. ASHBROOK,  
House of Representatives,  
Washington, D.C.

DEAR MR. ASHBROOK: Secretary Butz has asked me to thank you for your letter and to respond to your request for a program to prevent fertilizer shortages.

As I am sure you are aware, things are happening in the marketplace that will help the fertilizer situation in the future. During 1975 some 900,000 tons of additional ammonia capacity are scheduled to come on

stream. While it will be spring until the plants—either new, reactivated, or enlarged existing facilities—will come into production, some 9 percent more nitrogen fertilizer should be available for use in 1975.

A major problem for this season, however, is the potential curtailment of natural gas in the event of a severe winter. The Secretary is concerned about the possibility of curtailments and has personally discussed this matter with the Federal Power Commission.

A number of other initiatives are underway that should moderate some of the potential problems for the coming season. The Interagency Task Force on Fertilizer has met with industry leaders regarding ways to cut the use of fertilizer for non-farm uses. In this regard, both industry and government are launching strong campaigns to encourage more judicious use of fertilizer. The Administration has also taken steps to facilitate the transportation and distribution of fertilizer for U.S. farmers. The President, in late October, waived the Jones Act in order that fertilizer could be moved from Alaska to the continental United States in foreign bottom ships. While this action will only indirectly help Ohio farmers, the industry has assured the Administration that the changes in some companies' marketing programs that caused dislocations in 1974 will not reoccur in 1975.

You can be sure that the fertilizer issue is receiving top priority by the Secretary of Agriculture as well as other members of the Administration. The Administration stands ready to take whatever steps are feasible to insure that U.S. farmers have the fertilizer they need to generate expanded production of food and fiber in 1975.

Sincerely,

DON PAARLBERG,  
Director of Agricultural Economics.

#### THE WILMINGTON CHAMBER OF COMMERCE CELEBRATES ITS 70TH ANNIVERSARY

### HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. ANDERSON of California. Mr. Speaker, on January 30, 1975, the Wilmington Chamber of Commerce will celebrate its 70th anniversary. It is fitting, therefore, that we should pay tribute to this dynamic organization for some of its outstanding contributions to the people of southern California.

Nearly three-quarters of a century ago, this worthwhile organization was established to provide the leadership and hard work necessary to stimulate community involvement and progress.

Naturally, it will not be possible to cite all of the excellent programs and activities sponsored by this important organization; however, a partial listing of a few of their efforts may provide an indication of their dedication to this fine community which I am proud to represent.

Among the numerous activities which the Wilmington Chamber of Commerce has participated in through the years are successful efforts to locate the Harbor College in Wilmington; the establishment and development of an industrial park; efforts to improve streets, parking, and traffic conditions; the extension of the Harbor Freeway to the harbor area; establishment of the Har-

bor Park and Golf Course; efforts to purchase Banning Park; and many other beautification programs. In addition, they have sponsored numerous community functions such as the Wisteria Festival; the Miss Wilmington Beauty Pageant, which is a part of the Miss Universe Contest; the Christmas street lighting program; and other activities to assist the local schools, businesses, and community.

Mr. Speaker, the newly elected officers for 1975-76 are: Ken Williams, president; Bill Moore, first vice president; Bob Van der Meld, second vice president; Hal Sleet, treasurer; and members of the board of directors: Jack Appelt, Ernest J. Brower, Hallet Brown, Richard Castillejos, James A. Groth, Frank Heckel, John Holland, Dave C. Holmes, Allan R. Ide, Elisa Martinez, Jesse Reyes, Bob Shelland, and Clarence Woods.

I am confident that under their leadership this outstanding organization will continue its excellent program to contribute to the betterment of this fine community in southern California.

#### "SAINTS" REPRESENT UNITED STATES IN SOUTH AFRICA

### HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. STEIGER of Arizona. Mr. Speaker, I would like to bring to my colleagues' attention the fact that the "Sun City Saints," a superb women's fast-pitch softball team from my State of Arizona, has been chosen by the International and American Amateur Softball Associations to be the sole representative of the United States at a 3-week exhibition game and teaching clinic tour of South Africa beginning January 31.

It is an important honor, Mr. Speaker. For some time, many people in South Africa have been trying to find some means of abrogating the policy of apartheid which exists in that country. Through the efforts of South African citizens and the South African Softball Association, the development of softball programs for young people in all the major cities of South Africa on an integrated basis has been used as a means to popularize a breakthrough in this policy. In an effort to promote their program this year, the South African Softball Association asked that an American women's fast-pitch softball team be selected to participate in the tour.

Of all the teams in our country which could have been selected, the "Sun City Saints" were chosen to represent the United States—and Arizona—in this important event. The importance of the occasion cannot be discounted; it is well known that sporting events can have a very positive impact on some governmental policies—witness the ping-pong team's positive effect on United States-China relations.

The integrated "Saints" team came into being in 1966 sponsored by the Sun City Merchant's Association. By the end of their third year, these fine sports-

women had endeared themselves to the baseball fans of the area. Revenues at the gate grew to the point that the financial support of the merchants was discontinued. In 1974, the "Saints" finished second in the nationals at Orlando, Fla. They have held the Pacific Coast League Championship since 1973.

Several "Saints" have received All-American and Pacific Coast League All-Star accolades.

The team, with the help of Dr. Richard Sauerbrun of Sun City, has done a tremendous job of raising the funds for their air tickets to South Africa. I am positive that this team of 15 of the finest women athletes the United States has to offer, will well represent the United States in South Africa. I am sure that all of my distinguished colleagues will want to join me in wishing the "Sun City Saints" well in their efforts as America's goodwill ambassadors.

#### ANDREW BRIMMER ANALYZES THE EFFECT OF STAGNATION ON THE BLACK COMMUNITY

**HON. CHARLES B. RANGEL**  
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. RANGEL. Mr. Speaker, Mr. Andrew Brimmer is a distinguished member of the faculty of the Harvard Business School who has written often of the economic plight of poor blacks and other minorities. His recent article, "Economic Stagnation, Inflation, and the Black Community," is an excellent and detailed account of the impact of our present economic woes on poor black people.

I would like to submit the following article for the information of my colleagues:

#### ECONOMIC STAGNATION, INFLATION, AND THE BLACK COMMUNITY

(Remarks by Andrew F. Brimmer,<sup>1</sup> member of the faculty, Harvard University Graduate School of Business Administration, upon receipt of the 1974 Equal Opportunity Award presented by the National Urban League, New York Hilton Hotel, November 19, 1974)

It is with deep appreciation that I accept the 1974 Equal Opportunity Award of the National Urban League. In honoring me tonight, you appear to be saying to the nation at large that you approve of the meager efforts I made to serve the public welfare during my stay of more than eleven years in the Federal Government. I was particularly pleased that—in citing me—you focused on the work I did as part of legislative effort

which resulted in the passage of the Civil Rights Bill of 1964. Although the principal thrust of my work in the Federal Government (and especially so after I became a Member of the Federal Reserve Board) was concerned with national economic policy rather than civil rights, I always remained conscious of the ravages of racial discrimination and the need to broaden economic opportunity for all Americans.

In particular, from time to time, I have attempted to provide a report on the economic status of blacks in the United States which goes beyond the mere recitation of Federal Government statistics. I have just completed such an assessment, and I thought it might be helpful to summarize the highlights here.

In general, the combination of inflation and economic stagnation have had a proportionately greater adverse impact on black than on the nation at large. Blacks are carrying a considerably greater share of the loss in jobs and the rise in unemployment. At the same time, the ravages of inflation (which has been so heavily concentrated in foods) have created a desperate situation among poor black families.

In terms of the job situation, it appears that blacks may be in the process of re-living the adverse experience they suffered through during the 1970 recession. That slowdown brought a serious interruption to the steady progress which blacks had made during the 1960's. In fact, between blacks as a group and whites as a group, blacks suffered all of the recession-induced decline in jobs in 1970—while whites made further job gains. From the fourth quarter of 1969 through the fourth quarter of 1970, total employment decreased by 66 thousand. This was the net result of a drop of 174 thousand in the number of jobs held by blacks which was partly offset by an increase of 108 thousand jobs held by whites. During the sluggish recovery of 1971, job gains by blacks lagged considerably and unemployment in the black community continued to rise. Only last year did the rate of job improvement among blacks resume the pace recorded during the 1960's.

So far in 1974, as the economy has struggled with the adverse impact of the oil embargo in the early months of the year and also with a decline in real economic activity over the last three quarters, blacks have also been suffering relatively more than their white counterparts.

For example, between April and October, the total number of jobs rose by 713 thousand; but the number of jobs held by blacks rose by only 50 thousand. Thus, the blacks' share of the gain was only 7 per cent—although they constitute over 11 per cent of the labor force. During the same period, the total number of unemployed workers rose by 1,023 thousand, but the number of jobless blacks rose by 261 thousand. In this case, blacks represented 26 per cent of the increase.

As we look ahead to the coming year, it is obvious that we will continue to face severe inflation, a stagnant economy, and rising unemployment. Consequently, I believe we—as a nation—must take steps promptly to moderate the worse effects of a deteriorating economy. In the concluding section of these remarks, I suggest some of the main elements which should be in such a program. Before doing that, however, we can review briefly the contours of recent changes in the black labor force, employment, and unemployment. This is followed by an assessment of the broad effects of inflation on low income families—among whom blacks are so heavily represented. I then focus briefly on the growing conflict between the campaign for equal opportunity and seniority rules in American industry.

#### CIVILIAN LABOR FORCE

Last month, there were 10,479 thousand blacks<sup>2</sup> in the civilian labor force—which numbered 92,004 thousand. Thus, blacks constituted 11.4 per cent of the total. So far in 1974 (unlike the situation in 1973), the black work force has expanded somewhat more slowly than the labor force for the nation as a whole. For example, between the third quarter of 1973 and the same period this year, the black labor force rose by 2.3 per cent, compared with 2.7 per cent for the total. The slower expansion was particularly noticeable among adult black men—among whom the year-to-year gain was just over 1 per cent compared with over 1½ per cent for all men 20 years of age and over. But the more moderate pace of expansion was also evident among adult black women. The number of the latter rose by 3½ per cent from the third quarter of 1973 through the same period of 1974. In contrast, the rate of expansion for all adult women was just over 4 per cent. For black youths (age 16-19), the number in the civilian labor force rose by 2½ per cent—compared with 4 per cent for all youths—during the same period.

The slower expansion in the civilian labor force was particularly marked during the first half of the year. To a considerable extent, this was probably a reflection of the drop in labor force participation rates during the second quarter of the year. Although total unemployment was rising during the first quarter (mainly due to the adverse impact of the Arab oil embargo), the labor force participation rate for all black workers edged up slightly in the first quarter. However, a sharp reversal occurred during the April-June months. In this period, the participation of black men of all ages declined significantly as youths and young men 20-24 years of age withdrew from the labor market. Adult black men 25 years of age and over (those most likely to have family responsibilities) also experienced a sharp decline in the degree of labor force participation. Young black women aged 16 to 24 years increased their rate of entry into the labor force, but adult women 25 years or older withdrew on balance. These declines in labor force participation may in part have reflected a pessimistic view of job opportunities.

Among white workers, overall participation was little changed, but their civilian labor force continued to grow because of the increase in working age population. The first quarter increase in their civilian labor force was modest, and about half of the advance was among adult men. In contrast, all the increase in the second quarter was attributable to the entry of adult women—among whom the number of those employed or seeking work rose appreciably—more than offsetting the drop in teenage entry. The adult white male labor force was unchanged over the second quarter.

During the third quarter, the black labor force expanded about in line with the national work force. While the extent of participation by adult black men continued to lag somewhat, that for both adult black women and teenagers registered above-average gains. Among white workers as a group (including adult men), a noticeable expansion was registered.

So, as we moved through the year—and as the worse effects of the oil embargo eased—blacks (along with other workers) began to seek jobs much more actively. However, as already noted, the economy as

<sup>2</sup> These figures (from the Bureau of Labor Statistics in the U.S. Department of Labor) refer to "Negroes and other races." Blacks constitute over 92 per cent of the total reported.

<sup>1</sup> Dr. Brimmer is Thomas Henry Carroll Ford Foundation Visiting Professor in Harvard University's Graduate School of Business Administration. He is a Trustee of Tuskegee Institute and the Ford Foundation; a Director of the National Bureau of Economic Research; a Director and Economic Adviser of the Du Pont Company; and a Director and Member of the Finance Committee of the Equitable Life Assurance Society of the United States. From March, 1966 through August, 1974, he was a Member of the Board of Governors of the Federal Reserve System.



a whole was weakening throughout the year, and the number of blacks without jobs rose significantly.

#### EMPLOYMENT

In October, 9,335 thousand blacks were employed. In the same month, total employment amounted to 86,462 thousand. Thus, blacks held 10.8 per cent of the total. From the third quarter of 1973 through the same period of 1974, the number of jobs held by blacks rose about 2 per cent—roughly in line with total employment in the nation as a whole. However, for blacks (as for whites) the major share of the gain was made by women. For both groups, the increase amounted to about  $3\frac{1}{2}$  per cent. For all men, the increase was roughly 1 per cent, but for black men it was only  $\frac{1}{2}$  per cent.

Overall employment advances were modest in the first half of 1974 as real output declined. Job growth was less than 1 per cent (seasonally adjusted annual rate)—following a substantial 3.7 per cent gain during 1973. Again, the employment situation was heavily influenced by the energy shortages early in the year and by reduced demands throughout the first half of the year. Total nonfarm payroll employment, as measured by the Department of Labor's survey of establishments, weakened last winter; it expanded at an annual rate of less than 1 million between January and June—compared with 2.8 million in the preceding year. Much of the slowdown was concentrated in durable goods manufacturing where layoffs were widespread, especially in the automobile and related industries. Service and retail trade industries also reflected the impact of energy shortages during the winter as layoffs were reported by gasoline service stations, automobile dealerships, as well as at hotels, motels, and at certain types of recreational facilities. But, in contrast to manufacturing employment (which remained about unchanged in the second quarter), service-type employment growth resumed in the spring—as the gasoline situation eased.

The impact of the energy shortages and the weakness in real output was evident in the composition of employment changes in the first half of 1974. Employment of adult men showed a net decline, reflecting the sharp drop in industrial production. Teenage employment also dropped off sharply as typically is the case when economic activity is sluggish. In contrast, employment of women continued to expand rapidly in the first half of 1974, in part, because of the rebound of employment growth in service-type industries in the spring.

Similar patterns of employment change were evident among both black and white workers—although the impact of the energy crisis and the reduced level of economic activity was apparently greater for black workers. Black employment declined by almost 50,000 at an annual rate, (or about .5 per cent) during the first half of 1974. Adult black men were the largest job losers, as their employment levels were reduced about  $2\frac{1}{2}$  per cent at an annual rate between the end of 1973 and mid-1974. Black teenage workers also experienced a net job loss during the first half of 1974 following a substantial expansion in 1973. In contrast, employment of adult black women continued to increase at a strong pace—about 3.2 per cent (annual rate), although the second quarter gain was considerably slower than the advance of the first quarter.

Total employment of white workers grew slowly—by less than 1 per cent (annual rate), with nearly all of the net increase among adult women. Employment was little changed among men in the first quarter and declined in the second, although not to the same extent as among adult black men. White teenage employment dropped off in the second quarter (although relatively less than their black counterparts) while white women recorded substantial job gains, primarily in the

second quarter as employment in service-type industries picked up.

Over the summer months, employment picked up somewhat, but the pace of expansion remained sluggish. Again, the gains were concentrated in services rather than in the production of durable goods.

Employment opportunities for black adult men and teenagers have been relatively more adversely affected by the current slowdown in economic activity than those of their white counterparts. There are several possible explanations for this: Black men are heavily concentrated in blue collar jobs. For example, more than 40 per cent of all blacks work in these occupations as compared to about one-third of all white workers. As is generally known, the economic slowdown has had much of its impact on these blue collar occupations as their unemployment rate rose substantially while joblessness among white collar workers so far has remained little changed. In addition, about 20 per cent of all black workers are employed in private service occupations—in hotels, motels, and other recreational industries. About 10 per cent of all white workers are similarly employed. Thus, the relatively larger concentration of black workers in these blue collar and service occupations which were most affected by the slowdown may account in part for the relatively weaker employment situation among blacks than among white workers.

#### UNEMPLOYMENT

In October, there were 1,144 thousand black workers without jobs. Total unemployment amounted to 5,542 thousand, so blacks represented 20.6 per cent of the total. This was almost double the black's share of the civilian labor force and of jobs. The unemployment rate among blacks was 10.9 per cent in October. For all civilian workers, the rate was 6.0 per cent, and for whites it was 5.4 per cent. Thus, the black-white proportion is again 2 to 1.

Joblessness among black workers rose substantially during the winter—from 8.6 per cent at the end of 1973 to 9.3 per cent in the first quarter of 1974. However, with declines in the labor force outpacing the drop in employment in the second quarter, the unemployment rate edged off to 9.0 per cent. Adult black men accounted for a large proportion (nearly three quarters) of the first quarter's increase in joblessness as their unemployment rate rose from 6.7 per cent to 7.1 per cent.

Teenagers also experienced increased unemployment, but the number of adult women unemployed declined moderately. In the second quarter, rates for women and teenagers were little changed, and the rate for adult men declined as a result of withdrawals from the labor force. During the third quarter, as the economy continued to weaken, the unemployment rate for the total labor force began to creep up, and the rate for blacks kept pace.

Among white workers, an increase in joblessness among the major groups occurred in the first quarter. Adult men accounted for about 45 per cent of the increase and adult women for about 40 per cent. In the second quarter the jobless rate for both adults and teenagers was unchanged. But during the third quarter, the same pattern observed among blacks prevailed among whites, and their unemployment rate also climbed.

#### OUTLOOK

In the months ahead there is likely to be upward pressure on the unemployment rate as real economic activity is expected to decline further. In fact, for 1975 as a whole, real output may not register any net gain—and it may decline further. At the same time, the rate of inflation may dampen only moderately. Under these circumstances, the unemployment rate for the labor force as a whole may well reach  $7\frac{1}{2}$  per cent by mid-year. If so, the unemployment rate for

blacks—already in the neighborhood of 11 per cent—could climb to 13 per cent or beyond.

#### IMPACT OF INFLATION

In the meantime, the raging inflation that has plagued this country for the last several years has had a particularly adverse impact on blacks. It might be recalled that the consumer price index (CPI) rose by 3.3 per cent as recently as 1972—not much different from the annual average increase of 3.0 per cent recorded during the period 1960 through 1971. During 1973, reflecting both on overheated economy and a sharp jump in commodity prices—particularly food, the CPI climbed by 6.2 per cent. During the current year, the degree of excess demand in the economy has moderated noticeably. However, the sharp increase in oil prices and the continued upward pressure on food prices have combined to lift the annual rate of inflation (as measured by the CPI) to the neighborhood of 12 per cent for 1974. Looking ahead to 1975, the pace of inflation may ease somewhat, but the CPI may still increase by more than 9 per cent.

As more and more observers are realizing, inflation in the United States has had a particularly devastating effect on blacks. The reason is not because they are black but because food prices have risen proportionately much more than other prices; blacks are relatively much poorer than whites, and blacks spend a proportionately larger share of their incomes on food. The inflation in food prices has hit the lower income groups relatively harder than the better-off consumer. For instance, among families (four members) with incomes under \$3,000 per year, roughly 40 per cent of their income is spent on food. For families earning around \$9,000, about 25 per cent of their yearly budget goes toward food. In the higher income group, with an annual income around \$18,000, only some 20 per cent goes toward food. Thus, because food prices rose more rapidly over the last two years than any other component of the CPI (except petroleum products), it follows that the poorer families were the hardest hit.

Further insights into the impact of inflation on different categories of consumers are provided by the figures in Table 1 (page 12), showing the food budget for urban families with four members (including two elementary school children). The figures show the amount of money spent weekly for food according to the type of budget (economy, low, middle, and high). Also shown in the table are the percentage increases in food outlays during the two years June, 1972, through June, 1974. These data indicate that during the first year (June, 1972 to June, 1973) food expenditures as reflected in all four types of budgets rose by the same proportion—16 per cent. But in the second year (June, 1973 to June, 1974), food costs rose relatively more for the economy and low budget families (by 17 per cent) than was the case for either middle income families (13 per cent) or higher income families (12 percent). Moreover, while the year-to-year absolute dollar outlays rose by about the same proportion for all types of budgets, in relative terms, this put a much heavier burden on the budgets of lower income families.

#### COMPETING OBJECTIVES: SENIORITY AND EQUAL OPPORTUNITY

Before concluding these remarks, I would like to focus briefly on an issue of major concern to all of us interested in equal opportunity: at this juncture, it appears that the national campaign to broaden job opportunities for blacks and other minorities—as well as for women—may be an early casualty of the deepening recession. With unemployment mounting, layoffs (especially in the industrial sector) are reaching farther and farther up the seniority ladder. We ordinarily think of employee seniority in terms of trade union agreements which generally require that lay-

offs be made inversely to the duration of employment.

TABLE 1.—FOOD BUDGET FOR URBAN FAMILY OF FOUR (INCLUDING 2 ELEMENTARY SCHOOL CHILDREN), JUNE 1972-JUNE 1974

Type of budget	June 1973			June 1974	
	June 1972 amount	Amount	Percent increase	Amount	Percent increase
Economy.....	\$26.00	30.20	16.2	\$35.30	16.9
Low.....	32.60	37.80	16.0	44.10	16.7
Middle.....	41.70	48.60	16.5	55.20	13.6
High.....	51.40	59.70	16.1	66.90	12.1

Source: U.S. Department of Agriculture.

Since blacks are still relatively recent entrants to numerous industrial occupations, they typically have considerably less trade union-related seniority than their white counterparts. (Of course, there are some noticeable exceptions—such as automobiles and steel where blacks have accumulated a significant amount of seniority.) But it is also important to recognize that—even in sectors of the private economy in which only a small fraction of the workers are unionized—custom and usage have led to company-employee relationships that are tantamount to seniority rules. Consequently, we should expect private employers to face increasingly the hard choice between pressing on with the task of expanding opportunities for newcomers and adherence to traditional seniority practices.

Already a number of employers have been challenged (including the filing of court cases) by spokesmen for blacks and representatives of women's groups who charge that many co-workers are enjoying seniority-protected positions because of a legacy of discrimination by companies. At the same time, the Federal Government (particularly the Equal Employment Opportunity) is intensifying its drive to induce employers to give more weight to affirmative action—despite the existence of seniority provisions in contracts they have signed with trade unions.

Thus, we see shaping up a serious conflict between two objectives both of which rank high on the nation's human and industrial relations goals.

As the chairman of a leading industrial firm observed to me recently, both sets of claimants have very strong cases, and there is no obvious way to resolve them in the short-run. I share this view. For this reason, leaders of American industry will have to exercise an extraordinary degree of imagination in the quest for ways to foster a continued expansion of equal opportunity for women, blacks, and members of other minority groups—while remaining faithful to the seniority commitments they have made to other employees.

#### CONCLUDING OBSERVATIONS

But, above all, if the economy is permitted to grind down upon itself, both of these objectives—along with a number of others—will be undermined. A deepening recession is the worse kind of environment in which to seek a broadening of economic opportunity. Therefore, the most important task we face at the present time is the adoption of a set of coherent national policies which would prevent the economy from deteriorating further in the coming year. Because of the limitations of time, I cannot set forth in detail the steps which I believe are necessary to improve the performance of the national economy in the year ahead. However, several elements ought to be included in a revamped program:

We should immediately broaden the coverage and increase the benefits available under our unemployment compensation system. After all, we know that joblessness will be

both widespread and rising during the coming winter.

We should create a large-scale public service employment program which can provide jobs for at least 800,000 workers. Such a program would be particularly helpful to young people who have few claims to unemployment benefits.

The Federal Administration should abandon the call for a 5 per cent income surcharge on family and corporate incomes above \$15,000. With the economy drifting more deeply into recession—with the decline in real consumer spending playing a major role—we should not impose an additional burden on consumer incomes.

Moreover, some modest tax reduction for low income groups should be made. This would help to ease the adverse effect of inflation on those least able to bear it. It will be recalled that such a tax cut was strongly endorsed at the recent White House Conference on Inflation.

Since inflation will remain a major problem (despite the weakening of economic activity), the Council on Wage and Price Stability should be strengthened. It should have authority to delay proposed wage and price increases which seem clearly to be against the public interest. For the time being, I do not believe we need mandatory wage and price controls.

There should be some further easing in monetary policy, and less emphasis should be placed on the achievement of a balanced Federal budget. Again, in a declining economy, the Federal Government itself ought not to aggravate the situation by further shrinking aggregate demand.

The foregoing are only some of the main elements I would include in a national program to help check inflation and moderate the adverse effects of a recession that shows signs of becoming increasingly severe. Of course, I recognize that these moves would not stop inflation, and they would not end the recession. It seems quite evident that—through at least the first half of next year—real economic activity will be declining, and the rate of inflation will remain uncomfortably high. Rather, the actions suggested here would ease somewhat the economic burdens of inflation and recession which now fall so unevenly on different groups in the population.

#### WARNER'S OFFER BONUS TO EMPLOYEES

#### HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. ASPIN. Mr. Speaker, I would like to draw attention to an innovative program to stimulate the economy, recently started by a business in Wisconsin.

The president of Warner Electric Brake and Clutch Co., in Beloit, Wis., has designed a bonus plan for his employees who buy Chrysler and AMC automobiles.

Warner is offering its 1,700 employees a \$100 bonus if they will buy a Chrysler or American Motors car, two of Warner's major customers. Participating local automobile dealers will offer a matching incentive of \$100. If a Warner employee also takes advantage of a nationwide Chrysler rebate program at the same time, an additional \$200 to \$400 would be paid bringing the maximum rebate to \$700.

This innovative program was announced several days before the major

auto manufacturers announced their plans for similar rebate programs, and it has received national recognition for the incentives and model it has provided to other firms.

Less than a week since its first announcement the program is already showing that it can work. I am extremely proud of Wisconsin businesses like Warner Electric, for taking the lead in doing something to get our economy rolling again.

#### THE FRAUDULENT WAR ON CRIME

#### HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. BROWN of California. Mr. Speaker, the intrusion of the Federal Government into personal and individual civil liberties increasingly becomes a threat to privacy in an advanced and expanding technological society. The Orwellian prophecy of "1984" reminds us of our imperative to scrupulously guard against abuses by the state if we are to retain our fragile free and democratic society. Appalling misdirections in crime control in recent years, largely manifested in central computer data systems which store files on millions of Americans, point with clarity to our obligation to review with care our national purpose in this regard.

Mae Churchill, director of the Urban Policy Research Institute, and Hanna Shields, a San Francisco freelance writer, have made an important contribution toward our understanding of the frightening implications of ill-conceived law enforcement practices. In an article that appeared in the December 21, 1974, issue of the Nation, they point out the failure of the Law Enforcement Assistance Administration, and examine the excesses to which our Government has gone in "crime deterrence," much to the detriment of individual privacy in a free civil society. The article follows, and I highly commend it to my colleagues:

#### THE FRAUDULENT WAR ON CRIME

(By Hannah Shields and Mae Churchill)

Late in August every year the FBI issues its Uniform Crime Report on the nation's crime experience, an event that inevitably recalls Tallulah Bankhead's, "There's less in this than meets the eye." In 1972, when the number of reported serious crimes dropped mysteriously for the first time in seventeen years, Elliot Richardson, then Attorney General, disputed the accuracy of the report, stating, "It is universally recognized that only a fraction of all crimes committed are reported to the police at all." At the same time—three months before the 1972 Presidential election—an "audit" of Washington, D.C. crime statistics seemed to confirm the Nixon administration's claim that tough law-and-order policies had reduced crime in the nation's capital by 50 per cent. The audit was conducted by Ernst & Ernst, whose key officers contributed more than \$16,000 to the Nixon campaign and played a major role in re-election fund raising. Buried in the report was the finding that 40 per cent of citizens' complaints of major crimes were not reported by District police—surely the most simple, direct way of reducing crime, at least statistically.



Veteran crime watchers assume that crime data are manipulated for political purposes. Deliberate under-reporting, exaggerated claims of soaring crime waves, vagaries in reporting methods and even in defining criminal offenses, as well as public reluctance to report criminal activity, have led many to conclude there is a crime rate for all political and budgetary seasons. This year, the annual autumn ceremony of releasing the Uniform Crime Report was unusual in one respect: Attorney General Saxbe chose an audience of big-city police chiefs to announce that the crime rate had risen by 6 per cent in 1973 and by 15 per cent during the first quarter of 1974. He attacked the "grandiose promises" and "patchwork performance" of federal anti-crime efforts, mainly the six-year-old Law Enforcement Assistance Administration (LEAA). He promised a two-year study to "evaluate the effectiveness" of LEAA programs—the traditional euphemism for pulling the plug on politically obsolete federal programs, or relocating them.

While the LEAA grant program may outlive Saxbe as a fixture on the national scene, it is significant that the Attorney General decided to cast doubt on the \$3.2 billion program two years before Congressional approval would be needed to keep the bonanza going. When LEAA is finally buried, its chief mourners will be those who have fed well at the pork barrel. In 1970, only two years after LEAA started handing out grants to state and local law-enforcement agencies, the *Reader's Digest*, never known to be "soft" on crime, complained that federal funds were being wasted on such constabulary luxuries as a \$3,045 snowmobile for Rio Blanco County in Colorado and a \$6,740 outboard motorboat for Union parish in Louisiana. By 1972, *Government Executive* was reporting serious "crime among the crime fighters"—illegal or improper spending of \$475,000 in Florida, \$593,000 in Alabama, \$400,000 in Massachusetts; payment of consultancy fees as high as \$75 an hour to such favored firms as Ernst & Ernst; preferred treatment of certain electronics suppliers, such as Motorola, which cornered the LEAA-funded walkie-talkie market in Louisiana and Wisconsin without competitive bids and often at higher than list prices.

Although federal law requires administrative agencies to transfer funds in such a way that little time is lost between receipt and disbursement, many states and cities invested their LEAA largesse in interest-bearing bank accounts and private securities. The House Committee on Government Operations found that, while waiting to disburse LEAA funds, many states invested them in U.S. Treasury bonds—a kind of shell game in which the state agencies profited by lending back to the federal government its own money at the going interest rates. *Government Executive* called it "ripping off the gift horse." [See "Tooling Up for Repression: The Cops Hit the Jackpot" by Joseph C. Goulden, *The Nation*, November 13, 1970.]

Such wasteful, corrupt spending of public funds—which never reached the level of public exposure of, say, a welfare mother claiming one too many dependents—is only a small, easily understood part of the LEAA story. Far more complex and ominous is the legacy which LEAA will leave behind. To understand where the crime fighters may now be heading one must examine where LEAA has been.

In June 1968—at the peak of the anti-war and civil rights movements—Congress enacted the Omnibus Crime Control and Safe Streets Act, the federal government's first comprehensive anti-crime program. This bill laid the groundwork for a massive federal intrusion into local law enforcement, a function constitutionally and traditionally regarded as strictly local. The statute did not pretend to deal with the conditions that breed crime and violence—unemployment,

racism, slums, poverty and disease. President Johnson stated in a message to Congress: "We have dedicated ourselves to change these conditions—and we shall—but our responsibilities require us to find more immediate solutions to the rising crime rate that will help us maintain order while we build better foundations for urban life."

Passage of the Safe Streets Act failed to lower the stridency of the law-and-order theme in Nixon's 1968 Presidential campaign. On September 29, 1968, in his first national radio address on crime, Nixon spoke prophetically:

"The truth is that we will reduce crime and violence when we enforce our laws—when we make it less profitable, and a lot more risky, to break our laws. . . . Today only one in every eight crimes results in conviction and punishment. Today an arrest is made in only one in every five burglaries. Today an arrest is made in less than a third of reported robberies. Today it is comparatively safe to break the law. Today all across the land guilty men walk free from hundreds of courtrooms. Something has gone terribly wrong in America."

Three months later the Safe Streets program was in the hands of the Nixon administration, where it has prospered ever since. Understaffed, low-paid, ill-trained police departments across the country eagerly grabbed at the new federal windfall—\$63 million the first year, a fourfold increase to \$268 million the next year, soaring to \$891 million for fiscal 1974.

Where has all the money gone? Considerable amounts have gone to snowmobiles and outboard motors, as well as to motor scooters, helicopters, closed-circuit TV cameras, patrol cars equipped with "intensifier image orthicon" and other exotic forms of "saturation patrolling" of high-crime areas. Many states received funds for riot control programs—even Montana, Idaho, Vermont and Maine, where riots were not a worry until the federal funds came along. Others developed intelligence systems for predicting civil disorders—a "tension detection and forecasting capability" in Arkansas and Mississippi, and a system in Texas for evaluating where "civil disorder potential exists." A number of grants provided for police training programs; others launched enforcement, treatment and prevention centers for narcotic offenders; relatively small sums were allocated for court reforms and overhaul of the criminal justice system, for adult corrections programs and for juvenile counseling, treatment and diversion projects.

The LEAA was the instrument created to disburse the funds through a new bureaucracy with ten regional offices and a planning agency in each state. As a form of federal revenue sharing, LEAA administrators only 15 per cent of the funds directly through discretionary grants; 85 per cent is allocated to the states in the form of block grants based on population. Since most of the federal programs require matching grants by the states and cities, the true cost of LEAA-sponsored programs is unknown and may be incalculable—except that it is far beyond the \$5 billion allocated in federal funds alone. Few state or local agencies pick up the tab when demonstration projects are terminated.

Lacking clear priorities or performance standards, LEAA programs have done little to change the substance or direction of the criminal justice system; nor have they retarded the haphazard, oppressive practices of the past or reduced discriminatory treatment of the poor and the minorities. The biggest winners in the LEAA sweepstakes are the manufacturers and suppliers of computers, electronics equipment and surveillance devices—IBM, Burroughs, Motorola, RCA, Westinghouse, Litton, Honeywell, Bell Helicopter, Hughes Aircraft, among many others—which converted much of their military arsenal, field-tested in Vietnam, to the

booming law-enforcement market. One estimate places the potential market for police hardware at \$14 billion by 1975.

In California, always a bellwether state, LEAA funds in excess of \$100 million were used to advance the most sophisticated police technology to be found anywhere in the country—command and control systems, crime laboratories supported by satellite labs, automated manpower and resource allocation systems, helicopter patrols, computerized information systems and intelligence-gathering operations. "The net result of these efforts," concluded a study by the Lawyers Committee for Civil Rights Under Law, "is an increased militarization of the police. The transfer of military terminology and technology to law enforcement, the new advances in surveillance and intelligence gathering are all preparing the police for a combat role. There is a real possibility that the preparations themselves will contribute to conflict between one group of citizens and another."

Eventually, much of the expensive gadgetry and hardware will probably be consigned to the warehouse or the auction block. But some projects will remain, partly because of the huge federal investment in them and also because they are vital to the long-range strategy of the Department of Justice: to beef up the power of police and prosecutors, to strengthen the political power of the law-enforcement community, and to create a unified national police force. Destined to survive are the computerized criminal justice data banks which are proliferating across the country under LEAA auspices. The most important of these was Project SEARCH (System for Electronic Analysis and Retrieval of Criminal Histories).

On the premise that criminals flee at will across state borders, Project SEARCH was launched in July 1969. A study of felon mobility, conducted by SEARCH itself, showed that "a relatively small percentage of offenders are really mobile in a national sense. This fact argues for regional systems interfaced between states rather than a national data bank." SEARCH then set out to demonstrate that a computerized system for exchanging criminal histories, or rap sheets, among the states was feasible and practical. Twenty states joined the demonstration project and became eligible for funds for systems analysis, data collection and conversion, file construction and storage. But according to an evaluation conducted by Data Dynamics, Inc., only ten states officially participated as observers, six states actually conducted demonstrations by entering some 10,000 offender profiles apace into a central computer, and only New York made any extensive operational use of the system.

SEARCH was designed as an index—an interstate directory and clearing house for information on criminal offenders. It worked as follows: A police officer arrests a suspect in a robbery case. To find out if the man is dangerous, wanted in another state or city, or is a parole violator with a past criminal record, his driver's license or Social Security number is transmitted to the central index. The index responds to the query with personal descriptors and identifying numbers (date and place of birth, sex, occupation, race, height, weight, hair color, skin tone, scars and tattoos, FBI number, Social Security number, driver's license or other identifying numbers), plus a capsule criminal profile, and the name of the state holding the complete criminal record. The inquiring agency then has direct access through its state computer to the complete file in the state holding the record. The full information in this file is transmitted back through the central index to the inquirer's state computer. All this is to occur in a matter of seconds.

SEARCH was also supposed to provide the courts with better, quicker data relevant to granting bail, sentencing, probation and correctional treatment. However, only one

court agency had a terminal during the demonstration period, and the participation of court and correction agencies was very limited," according to the DDI evaluation. Moreover, under this data retrieval system, it would not be possible for prosecutors to run the names of witnesses, jurors or other parties through the computer to help "determine the veracity of testimony"—an advantage not available to the defendant or his counsel, who might want to do some electronic frisking of prosecution witnesses.

Since most of the technology was already developed, SEARCH had only to develop a machine-readable format for criminal history data, and within a year SEARCH coordinator Paul Wormeli was able to pronounce the project a success. On July 1, 1970 (in a scene reminiscent of Don Ameche portraying Alexander Graham Bell), Wormeli wired Richard Velde, then associate administrator of LEAA: "The capacity for interstate transference of criminal histories has been demonstrated today." Two weeks later the system was put through its paces for Attorney General Mitchell and J. Edgar Hoover. A fortnight later, President Nixon was treated to a "brief presentation" of the SEARCH system in Denver.

Project SEARCH was important, but not because it did what everyone in the computer communications field knew it could do. It was important for two other reasons: it brought to the surface a power struggle between the Department of Justice and state-local police agencies for control of LEAA funds and policies, and it showed where the Department of Justice stands on individual privacy as affected by computerized data banks.

The man chosen to head the Committee on Security and Privacy of Project SEARCH, Dr. Robert R. J. Gallati, was remarkable not only for his impressive law-enforcement credentials but also for his uncommon sensitivity to the real and potential dangers of computerized criminal justice data systems. Gallati, who holds a doctoral degree in jurisprudence, was for nine years director of the New York State Identification and Intelligence System and for twenty-seven years a member of the New York City Police Department. In 1972, he wrote, "The threat to personal privacy is the greatest challenge facing our nation today," citing as his major fears: "Government manipulation of the public on a scale never before possible; total and continuous surveillance of the people longitudinally over time and in depth on sensitive matters; complete chilling of all dissent; popular abandonment of hope for a new life—redemption rendered hopeless; and final surrender of all individuality without even the scent of a *quid pro quo*." Strong words from a cop.

Gallati's committee developed a code of ethics and four technical reports which faced head-on the issues provoked by the new computer data banks. Recognizing that the same problems apply to all sensitive, or partly sensitive, public records, the committee focused on three major areas where privacy and security are of crucial importance:

(1) Unintentional errors, ranging from typographic errors to mistaken identities, are common enough in manual record keeping. But the consequences of computer errors may be amplified since many more persons may have access to the data and "the system response speed may exceed the error-detection and correction speed."

(2) Data can be misused, either out of context or for unlawful purposes, by those who have authorized access to the data, as well as by others who acquire the information surreptitiously. Instances of misuse may increase substantially over those of a manual system because of the increase in users, easy access under present lack of controls, and simply because "the computer itself introduces more

opportunities for misuse" by the speed with which it searches and compiles.

(3) Intentional data change, such as destroying or modifying the stored information, increases in proportion to the degree of centralization of the system. A disc or tape file is thus more vulnerable to undetectable changes than the old-fashioned, inefficient paper file. "It has been suggested that organized crime may attempt to penetrate the system for this purpose." (Emphasis added.)

Believing that a system so potentially dangerous could still be brought under control, Gallati's committee developed model administrative regulations that would inhibit errors, misuse and tampering with criminal justice files. Among its major recommendations were:

Restriction of data to those concerned with crime prevention, apprehension, adjudication or rehabilitation.

Segregation of criminal justice files (a dedicated system) so they cannot be modified, destroyed, accessed, changed, or overlaid by non-criminal justice terminals.

Provisions for closing or expunging criminal offender files after designated periods of time, depending upon the severity of the crime.

Restrictions on the use of criminal offender information for research purposes.

Maintenance by each criminal justice agency of a log of all agencies and individuals receiving criminal offender information.

Procedures allowing an individual to review and challenge the contents, completeness and accuracy of his own records, including notification of other agencies of errors previously disseminated.

Administrative penalties—suspension, discharge, transfer—for violation of the regulations.

Limitations on dissemination of certain types of data to specified agencies and recognition that dissemination to non-criminal justice agencies carries "the gravest risk of security and privacy compromise."

Sensitivity classification of all data, from highly sensitive to restricted, and personnel clearances in accordance with strict right-to-know and need-to-know principles.

While far from leakproof, the proposed regulations were the most restrictive yet advanced for protecting the security of the data system and the privacy of the individuals named in its files. That being so, they were totally unacceptable to the Department of Justice. On May 8, 1970, Jerome Dunt, a chief spokesman for the FBI, found the Gallati committee proposals "very objectionable." Listing sixteen major objections, he stated: "There can be no absolute right to individual privacy. . . . A public pronouncement of the concern of the SEARCH participants for American liberties is not necessary; this should be assumed. . . . It is questionable . . . to suggest that a citizen has the right to inspect and challenge the contents of Project SEARCH files. . . . I question the need for a 'code of ethics' in a test and demonstration project."

Six months later, the FBI took over Project SEARCH. Under authority granted by Attorney General Mitchell, the demonstration project was incorporated into the National Crime Information Center (NCIC) which has been operated by the FBI since 1967. The growing rift between the states and the federal government for control of criminal justice information systems was now wide open.

NCIC was touted by the FBI from the moment it began as "a phenomenal success," "a tribute to cooperative spirit" and "a new and powerful weapon against crime in our time." Actually, NCIC began as a fairly innocent and routine computer file on wanted persons and stolen vehicles, license plates, guns, securities, boats, etc. Through control terminals in all fifty states, the District of Columbia, Canada and all FBI field

offices, some 6,000 police agencies (out of perhaps 40,000 nationally) can tap the bank for data on wanted persons and stolen property. NCIC now contains more than 3.7 million such records and handles 75,000 transactions a day with local, state and federal law-enforcement agencies, maintaining a daily average of about 700 positive responses, or, in computer lingo, "hits." Thus, one out of a hundred inquiries elicits some presumably useful information.

The typical use of the wants-and-warrants part of NCIC involves the patrolman on a beat who, for example, may stop a traffic violator with out-of-state license plates. The officer radios his headquarters for a check on the license number, to determine if the car was stolen or if the driver is wanted on another charge. If so, he makes an arrest instead of merely issuing a summons. Even this simplified data retrieval system has its problems. Since local police are responsible for both entering and removing information, a form of Gresham's law goes into effect, with bad information driving out the good. Thus, if a car is stolen in Pittsburgh and recovered in Akron, the Pittsburgh police may be quick to report the theft to NCIC but the Akron police may forget to record the recovery. As a consequence, some car owners are arrested for stealing their own cars. (In California, 90 per cent of stolen cars are "dropped" within eight hours of theft. As the result of computer errors, some \$400,000 in false arrest suits were pending in 1973 against the San Francisco Police Department.)

The FBI estimates that by 1978 the NCIC's wanted persons and stolen property files will contain more than 10 million entries, nearly triple its present contents. And by 1984, fulfilling Orwellian prophecy, it will contain 21.7 million records. The FBI's own projection raises an interesting question: if the NCIC is such a "powerful weapon" against crime, why does the FBI anticipate that robberies and fugitives will increase sevenfold within ten years? The answer is that the purpose of NCIC is not to reduce crime but to build an information empire.

By late 1970, when the FBI took over Project SEARCH, the wants-and-warrants file at NCIC had already lost much of its glamour. It was time for NCIC to expand its reach, and expand it did by changing the SEARCH system from a central index of files controlled by the states, to a master repository of all criminal offender records, controlled by the FBI. In November 1971, the FBI jubilantly announced the formation of a Computerized Criminal History (CCH) file, a major expansion of the NCIC network. Again, "rising crime rates and the interstate mobility of criminals" were cited as reasons for the new file. Again, the system was touted as a major step toward fighting crime as well as a step toward "great savings in time and manpower" and "reduction in the number of duplicate records in local, state and federal agencies." CCH was envisioned as the ultimate in criminal justice data banks, with a goal of 8 million criminal history records in the NCIC computer by 1984.

Complete criminal histories contain information on arrest, detention, criminal proceeding, probation, incarceration, parole, or release from custody. But an arrest does not necessarily result in a conviction—only 20 per cent of the 3 million persons arrested every year are found guilty. The charges may be dropped for lack of evidence or the suspect acquitted, but the arrest record remains in the state files and, if the state is one of the few now participating in CCH, it also remains in that computerized system.

The vital part of a criminal record is the disposition of a case, especially in the event of acquittal or dismissal which, as noted, occurs 80 per cent of the time. But dispositions are not entered into the files with any degree of regularity. Neither the courts nor the police are diligent about posting disposi-



tion data, partly because of the extra paperwork involved and also because they claim that any arrest data, regardless of evidence or innocence, are useful in future investigations. Only twenty-six states require that dispositions be reported to their own state criminal data bureaus; a few states require reporting to NCIC but none of the requirements is widely or strictly enforced. Thus, a mere arrest qualifies hundreds of thousands of persons annually for a permanent place in the CCH archives.

Speed is the main selling point of CCH; the system can respond to some queries within fifteen seconds, and more than half are answered in less than an hour. Speed also makes the system faulty and deceptive. So far, there is no way to scan and classify fingerprints by electronic transmission. While prints may be sent by facsimile to CCH along with a request for criminal data, there is no assurance of accurate identification until the prints are classified by the FBI's Identification Division, a process which is more of an art than a science and requires a week or two. As the only source of positive identification by fingerprints, the FBI has custody of some 21 million prints of criminals and suspects, plus 40 million civilians, government employees, aliens and passport applicants. Speed thus becomes a dubious asset, unless one doesn't care all that much about accurately identifying suspects and offenders.

A recent study by the Comptroller General's office showed that CCH data are used mostly by judicial and correction agencies for post-arrest purposes, and for occupational licensing, employment checks, verification of identity of deceased persons, routine updating of files, and for testing of the CCH equipment. Only 27 per cent of federal requests and 32 per cent of state requests to CCH are related to pre-arrest investigation or apprehension. The study suggested that "a very quick response time is not vital," especially by federal agencies whose cases are usually protracted, and whose own files provide most information needed quickly.

Unnecessary speed, doubtful accuracy and the inability to supply disposition data are not the only problems that plague CCH. The murkiest area of all is that of dissemination—who has access to such sensitive data as criminal histories and where does it go from there? Under policies adopted in 1971, direct access to the CCH file through a local or state terminal is granted to: police departments at all levels, prosecutory agencies, the criminal courts, correction and probation departments, parole boards and "other agencies" which perform a criminal justice activity as their principal function. At the federal level, such on-line access includes: the Justice Department (Drug Enforcement, Immigration and Naturalization, Criminal Division, U.S. Marshals, Bureau of Prisons and U.S. Attorney's office); the probation office of the federal courts; the Treasury Department (Alcohol, Tobacco and Firearms Division, Bureau of Customs, Internal Revenue and Secret Service); the Postal Inspection Service; the National Park Service and the four military criminal investigative agencies of the Defense Department.

At the state level, access to criminal histories is alarmingly capricious. California gives access to police officers, district attorneys, probation officers, state courts, federal officers and any state agency, officer or official "when needed for the performance of official functions," and, commonly, to determine a person's eligibility for licensing or suitability for employment. Florida also provides criminal data for employment and licensing. The Comptroller General's study found in Florida at least thirteen criminal justice agencies that were not complying with state policies on dissemination; seven agencies gave information to unauthorized users, including city agencies and local private employers; other police agencies, contrary to state policy,

turned data over to military recruiters and investigators, and one police department's criminal history files were open to the public. In Massachusetts, the probation department responds to phone requests for criminal history information without verifying the identity or authorization of the caller. Investigators were unable to determine who initiated about 10 per cent of the inquiries.

In testimony before the Senate Judiciary Committee in 1973, L. Patrick Gray II, then acting director of the FBI, conceded that arrest and conviction data are disseminated to federal, state and local governmental agencies "for other than law-enforcement purposes." Recipients of such data, mostly for employment screening and licensing purposes, include boards of education, alcoholic beverage control boards, real estate boards, licensing authorities for gun permits, the legal and medical professions "and the like," Gray testified.

CCH files exclude juvenile offenders information, Gray noted, unless the minor has been tried in court as an adult. However, "the massive size of the criminal files of our manual identification system prohibits the segregation of juvenile arrest records from adult arrest records. . . . All contributors of arrest data are aware that the FBI does not have any provisions for keeping juvenile arrest records which have been ordered sealed or which are otherwise required to be kept confidential in a separate file."

Still, Gray proudly noted that some progress had been made in the FBI's record-keeping apparatus during his brief and ill-fated tenure. No longer are records kept on certain minor offenses (drunkenness, vagrancy, disturbing the peace, curfew violations, loitering, false fire alarms, traffic violations not involving drugs, liquor, hit and run or manslaughter, and nonspecific charges of suspicion or held-for-investigation). And, lo and behold, no longer are records kept on persons more than 80 years of age!

The issue of dissemination of the FBI/NCIC arrest data was raised for the first time in a significant way by Dale B. Menard, a 19-year-old Los Angeles college student when he was arrested in 1956 on suspicion of burglary, booked, fingerprinted, held in custody for more than two days, and then released without being charged with any crime. A routine fingerprint card was sent to the FBI with the notation, "Released—unable to connect with any felony or misdemeanor at this time." For nearly a year, Menard and his family were locked in a battle to have his arrest record expunged: the Los Angeles police stubbornly refused to request the return of his record from the FBI unless ordered to do so by the courts, and the FBI will return records only at the request of the arresting agency. Menard took his case to court.

On June 15, 1971, U.S. District Court Judge Gerhard A. Gesell, in the District of Columbia, ruled that Menard's arrest record may not be disseminated to prospective private employers. Gesell held:

"While conduct against the state may properly subject an individual to limitations upon his future freedom within tolerant limits, accusations not proven, charges made without adequate supporting evidence when tested by the judicial process, ancient or juvenile transgressions long since expiated by responsible conduct, should not be indiscriminately broadcast under government auspices. The increasing complexity of our society and technological advances which facilitate massive accumulation and ready regurgitation of far-flung data have presented more problems in this area. . . ."

Attacking the shaky ground on which criminal data collection stands (a 1930 statute codified as 28 USC 534), Gesell said, "It is abundantly clear that Congress never intended to or in fact did authorize the dissemination of arrest records to any state or local agency for purposes of employment or

licensing checks." Since there are no criminal or civil sanctions imposed for improper use of data supplied to the FBI, Gesell warned: "Control of the data will be made more difficult and opportunities for improper use will increase with the development of centralized state information centers to be linked by computer to the Bureau."

Still, Gesell denied Menard's petition for expungement of his record, and the case was appealed to the U.S. Court of Appeals. On April 23, 1974—nearly nine years after Menard was arrested—the appellate court ordered the FBI to remove Menard's records from its criminal files. The court stated:

"The FBI cannot take the position that it is a mere passive recipient of records received from others, when it in fact energizes those records by maintaining a system of criminal files and disseminating the criminal records widely, acting in effect as a step-up transformer that puts into the system a capacity for both good and harm. . . ."

Even this decision was settled on procedural grounds and applies only to the FBI practice of dissemination of an arrest record. It does not order expungement of the record from the FBI's criminal identification files nor does it affect the practices of state and local law-enforcement agencies. Possibly fearing that the U.S. Supreme Court may be ready to deal with the issue in a broader way, the Solicitor General decided not to appeal the Menard decision to the High Court. The decision conflicts with the official policy of the Los Angeles Police Department, which still refuses to request return of arrest records from the FBI except in cases of mistaken identity or when ordered to do so by a court of proper jurisdiction.

The FBI no longer boasts that NCIC will hold 8 million computerized criminal histories ten years hence. After four years of operation, only four states—Arizona, California, Florida and Illinois—are fully participating in the CCH system by storing criminal history records in both state and NCIC computers. Forty states have authorized access to the CCH file, even though their own state criminal histories are not a part of it. Six states have been denied access—Arkansas, Colorado, Kansas, Ohio, Kentucky and South Dakota—for failing to meet even NCIC's minimal security and privacy standards, while New York was forced out of CCH for refusing to update its records. Massachusetts refused to participate because CCH standards for privacy and security are much weaker than the state's own; Pennsylvania withdrew its records because conversion to a computerized system was too expensive. CCH now contains some 470,000 criminal histories, 200,000 of them from California alone. Even California's participation is lopsided, since the Los Angeles Police Department is not a part of CCH.

Among the earliest critics of the FBI's takeover of criminal histories were the directors of LEAA's state planning agencies. Speaking for them as chairman of their executive committee, John F.X. Irving of Illinois predicted in 1970 that turning over the collection of criminal histories to the FBI would "convert a cooperative state-federal effort into a federally run system in which the states would play a subordinate role . . . and would result in significant duplication of effort." The state director complained that while losing substantial control over the system, the states would have to bear the main human and financial burden of creating the files entered into the federal system. Since the states, in any event, will proceed with their own comprehensive criminal justice data systems, "a separate federally maintained file will be a wasteful, unjustified duplication" of state files.

Opposition to CCH has piled up ever since. Senator Mathias (R., Md.) called it the "raw materials of tyranny." *Computerworld*, a trade publication editorialized in July that

it was "time to bury CCH," noting that the "unwillingness of forty-eight states in the Union to pay for the system demonstrates that it is not needed." Early in 1973, the General Accounting Office in a report to Congress had found that NCIC/CCH represented an open-ended commitment by the federal government "without an accurate forecast of all systems costs and a plan for insuring the completeness of reporting." There is no assurance that the states will be able to meet the heavy financial burden or that the system will provide complete and accurate information, the GAO said, noting that only four states have adequate reporting procedures for both arrests and dispositions. The failure to restrict arrest data which do not contain follow-up disposition is a "serious system deficiency because it permits dissemination of arrest information without showing whether a person was convicted or found innocent." The GAO recommended; halt further expenditures until the reporting system is improved and exact costs for expansion are determined.

But for the most damning word on CCH one must turn to FBI Director Clarence M. Kelley, who wrote on January 31 to the Urban Policy Research Institute, a public interest research organization in California: "A more rapid flow of criminal offender information can bring about more realistic decisions with respect to bail, sentencing, probation and parole. The detection of criminal suspects is not specifically embraced within this purpose, and there is no evidence available at NCIC by which to measure improved prosecution of criminal suspects through state access to CCH." (Emphasis supplied.)

So much for the FBI's "powerful weapon against crime" a pogon that fails to touch serious lawbreakers but scatters buckshot over ordinary citizens, who are often permanently scarred by a "criminal record." It is a system based on a flimsy, forty-four-year-old statute only slightly undercut by the Menard decision; a system that defies regulation and is "out of effective control" as a lower court stated in the Menard case; a system so deviously costly that even the GAO cannot determine its actual costs.

Where will the crime fighters go from here? Attempts are being made to clean up LEAA and dismantle some of its more hokey programs. CCH will limp along because no one can admit that it ranks somewhere between the Edsel and Thelma as a national disaster. Federal funds may entice a few more states into the CCH system, and some form of regulatory legislation may be passed, at last, by Congress.

Since 1965, Congress has considered 342 bills dealing with some aspect of privacy in federal agencies, but only two restrictive measures became law: one limited the use of wiretaps to police-related activity; the other gave consumers the right to challenge credit agency files. However, the Watergate revelations finally got the message across. On November 21, both the House and Senate approved by stunning margins the first major privacy legislation. It gave citizens access to many of the government records affecting them, limited the use of Social Security numbers for identification purposes, and restricted the scope of information collected and disseminated by federal agencies. The real showdown, however, is yet to come. Since federal law-enforcement agencies were exempt from the provisions of the recent bills, these agencies will be dealt with in S. 2963 and H.R. 12575, the Criminal Justice Information Control and Privacy Act, which faces lengthy debate in the new Congress. The proposed Act bars computerization of intelligence records; limits the dissemination of criminal records to the complete conviction record; requires updating of records to the extent that it is "technically feasible"; provides citizens with the right to access for purposes of challenge

and correction; imposes civil and criminal penalties for violations of the provisions by data bank operators; installs a random audit system conducted by independent computer experts, and creates a new, independent federal-state cooperative agency to oversee enforcement of the Act and to take over policy control of the NCIC. The Department of Justice plans to draft its own bill.

Whatever compromise legislation results cannot keep pace with the data juggernaut which moves ahead relentlessly with more speed, dazzle and mystique than the average citizen can grasp. Already waiting in the wings and beyond the dress-rehearsal stage is still another, more advanced, telecommunication system for law-enforcement agencies. This one is called the National Law Enforcement Teletype System (NLETS), which originally operated entirely on teletype equipment and had no data storage capability.

NLETS is a nonprofit corporation operated by a consortium of states, with each state financing its own participation in a network of administrative message-switching terminals. State teletype terminals accessible to local criminal justice agencies are connected to a central terminal in Phoenix, Ariz. Until recently, NLETS was a private preserve of the states, kept under wraps through its nonprofit corporate status and accountable to no overall governmental authority. Once again, the bogus argument for "high-speed telecommunication" brought \$500,000 from LEAA for a NLETS study and \$1.5 million to help upgrade the system so that computers can be used to exchange information over high-speed telephone lines. Among the "growth areas" planned for NLETS are computerized criminal histories, interstate exchange of driver-record information, transmission of graphic data through facsimile or video media, the development of intelligence information bases and "criminalistic files."

Again, the FBI is sniffing around what it senses will be the successor to Project SEARCH and CCH. It has proposed that it, rather than the states, operate the central message-switching terminal of NLETS which enables the state computerized information systems to communicate directly. The GAO's legal counsel advised the Attorney General that "it is arguable whether there is adequate legislative authority to support the FBI's proposal to acquire administrative message-switching capability. Moreover, if the FBI obtains [this] capability, there is a question whether NLETS needs to exist." Such counsel has not been persuasive in the past. An FBI takeover of NLETS, which is opposed by the White House, would give the FBI control of all access to and dissemination of criminal data exchanged among the state and local police agencies. Its reign over the entire criminal justice data system would be absolute, since it already controls the nation's fingerprints and the criminal justice data base.

The simple truth is that nearly all computer data systems would have to be scrapped in order to guarantee adequate security and confidentiality. Because maximum speed rather than security and privacy was the rationale of computer design, it may be years before integrity can be built into the system, a development that will reduce efficiency and increase costs. Dr. Michael Munter, research and planning director for automated data and telecommunications in the General Services Administration, warned a conference sponsored by the National Bureau of Standards that the appearance on the scene of new computer networks complicates the problem, since the breach of one computer system can mean a breach in all the others in the network, increasing the likelihood of errors, tapping and tainting with false information. The computer community doesn't know yet what is involved

in designing against leaks, Dr. Munter said, "or if we can get there at all."

Another doubter is Frank T. Cary, chairman of the board of IBM, the world's leading supplier of computer hardware. In a June 15th article in *The New York Times*, Cary wrote: "In the past you had to be famous or infamous to have a dossier. Today there can be a dossier on anyone. Information systems, with a seemingly limitless capacity for storing and sorting information, have made it practical to record and transfer a wealth of data on just about anyone. The result is that we now retain too much information. The ambiguous and unverified are retained along with legitimate data."

He concluded: "... one way of preventing misuse of personal information is to discourage its collection in the first place."

## RUNAWAY LITTER PROBLEM

HON. ROBERT E. JONES

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. JONES of Alabama. Mr. Speaker, the runaway problem of litter along streets and highways is becoming a national disgrace to all citizens.

Efforts for beautification and all the virtues this implies are a most commendable public attribute. Yet when we travel up and down the country's public thoroughfares we see a total disregard of beautification with the desecration by cans, bottles, papers, cartons, and every conceivable form of refuse and garbage.

Sufficient public indignation to restrain this disgraceful situation would result in major beautification of every area. Elimination of litter would also free considerable public funds for needed community improvements.

A recent editorial in the *Hartselle* (Ala.) *Enquirer*, clearly set forth the extent of the problem and the wasteful costs which result from litter.

Because it is a responsible and informative attack of the kind which will be necessary to stir public indignation and, hopefully, less litter, I submit the editorial for the consideration of my colleagues:

## RUNAWAY LITTER PROBLEM

For the Highway Department and the tax-paying citizens of Alabama litter is becoming a staggering problem.

The initial results of a continuing litter study in the state show a litter count of 5,744 pieces per mile. The damage to machinery and tires and resulting employee downtime created by bottles and cans amounted to nearly \$10,500 per week for the 23-week mowing period last summer.

To compute figures for the study, litter was picked up from one mile of roadway in each of 45 districts throughout the state in December. Litter from the 45 mile area totaled 258,523 pieces of litter from the combined area. Broken down into categories that amounted to 167,563 pieces of paper, 47,460 cans, 14,144 bottles, 16,563 pieces of plastic and 12,931 miscellaneous items.

Litter removal is essential to the safety and maintenance of our highway system. Grass must be cut periodically for safety and maintenance reasons and litter must be removed (at a cost of a million dollars in the 1972-73 periods) before the grass is cut to avoid as many equipment breakdowns as possible.



What a waste of money considering the problem could be virtually eliminated by the voluntary support of motorists. How much better the money could be used resurfacing worn out roads, upgrading bridges and making our roads safer and more attractive.

#### TAX INCENTIVES FOR ENERGY-SAVING HOME IMPROVEMENTS

**HON. CHARLES A. VANIK**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. VANIK. Mr. Speaker, a strong consensus has been developing in recent days that the 94th Congress must take vigorous measures to reduce our Nation's energy consumption. We have no other short-term alternative of eliminating our dependence on insecure and ruinously high-priced foreign oil supplies. As the Ford Foundation's energy policy project concluded in its recent report on the Nation's energy future:

Obviously . . . the less energy we consume, the less vulnerable we are to interruption. In the case of the vulnerability problem, energy conservation is an insurance policy taken out against the possibility that diplomacy can fail.

Recently the Federal Energy Administration completed a study on energy conservation policies which could be followed and would reduce our Nation's energy demand without jeopardizing our economic welfare. The findings of this study are significant. The study concluded that beyond measures to curb gasoline consumption, improving the efficiency of residential and commercial space heating was the most significant step the Nation could take to reduce energy consumption.

In 1972, 25 percent of our Nation's energy budget was spent in the household and commercial sectors. Of this total, roughly half is spent for heating, cooling, and ventilating residential buildings. In more concrete terms, these statistics mean that our Nation spends the equivalent of over 4 million barrels of crude oil a day to control the temperature in our homes.

By and large this energy is not being used wisely. A number of recent, comprehensive reports by various private and governmental agencies have found that significant energy savings can be made by ungrading existing homes to make them more "energy efficient." The addition of adequate insulation, storm windows, storm doors and, in some cases caulking material can easily reduce the energy required to heat and cool a home by anywhere from 10 to 20 percent of the energy used in residences. The Department of Housing and Urban Development after closely studying the energy consumption characteristics of a model home concluded:

The structural modifications necessary to conserve . . . 19 percent of the total annual primary energy consumption within the Characteristic House, were all readily available within current construction practice, and the adaptation of these items would not interfere with the life style of the occupants. The estimated cost of these items would be approximately \$550.

Drawing from these studies the FEA in its recent Blueprint Report was emphatic in pointing out the need to upgrade the existing housing inventory, in order to reduce the Nation's energy demand. According to that report:

Assuming the number of residential units continues to grow about two percent per year, energy conservation measures aimed solely at improving the thermal efficiency of new housing would not be effective in reducing overall demand for several years. To reduce current demand, existing housing must conserve more energy through the installation of energy saving devices which improve the thermal efficiency of the residences.

#### HIGH FUEL COSTS ARE NOT ENOUGH

As the FEA report makes clear, if we have any hope of reducing energy demand and cooling residences, we must focus our attention at the approximately 50 million owner occupied housing units. The question facing Congress must be whether the Federal Government can be effective in accelerating the improvement, or "retrofitting" of existing homes. Certainly higher fuel costs act as an important inducement to homeowners to upgrade their residences. The FEA reports that during 1973 between 85,000 and 105,000 dwellings were retrofitted with energy-saving improvements. At the same time, FEA concludes somberly:

Without additional incentives, retrofitting can be expected to continue but at a reduced rate.

In view of the national imperative to conserve energy, Congress must consider legislation to provide an incentive to homeowners. Today with 67 of my colleagues I am introducing legislation to establish a tax credit for homeowners who invest in energy-saving improvements in their residence. Identical legislation has been introduced in the other body by Senator DOMENICI. Briefly speaking, this legislation allows a homeowner to subtract from his Federal income tax liability 25 percent of his investment in storm windows, storm doors, insulation, caulking material, and other energy-saving home improvements. The credit is limited to \$250 and can be taken only on the taxpayer's principal residence. In addition, the bill provides a 25 percent credit up to a limit of \$1,000 for the homeowner who installs solar heating and cooling equipment in his residence. Finally, the legislation allows the taxpayer an option of electing a tax deduction equivalent to the tax credit.

Mr. Speaker, this legislation is an emergency 5-year program to reduce energy consumption in residential homes. Indications are that response to such a program would be impressive. Recently, a Michigan utility offered to finance additional insulation for its customers. This program did not involve an incentive but rather provided a means for the homeowner to finance the relatively high initial costs of improvement through his monthly utility bill. I understand that roughly 7 percent of the customers responded to the program—an impressive response for this modest program.

According to industry sources, at least 20 percent of the existing homeowners would be willing to participate in some incentive program immediately. That is the equivalent of 10 million residences.

Other industry representatives calculate that at least 50 percent of the Nation's homeowners need additional improvements and would be willing to participate in an incentive program. These numbers represent only rough calculations. In my investigations I was able to uncover no definitive estimates of the actual size of the re-insulation market. One conclusion, however, is warranted: the market is formidable.

For the purposes of calculations, I have chosen the figure of 5 million homes which would annually participate under the program I am establishing. Since the average home improvement is calculated at a cost of \$600, the tax credit to the average homeowner would be \$150. The total annual cost of the program would therefore be approximately \$750 million at its outer limits. For this investment the act will provide the upgrading of about 20 million homes—that is nearly half of the total owner-occupied housing stock in our country.

#### ENERGY SAVING POTENTIAL

According to FEA statistics the potential energy savings from additional residential improvements can be seen in the following table:

POTENTIAL ENERGY SAVINGS FROM HOMEOWNER INVESTMENT

(In thousands of barrels of oil per day)

Type of investment	1977	1980	1985	1990
Insulate ceilings of existing buildings	361.9	337.7	314.9	300.8
Weatherstrip and caulk existing homes	155.1	145.7	141.0	131.6
Install storm windows and storm doors on existing homes	61.1	56.4	56.4	51.7
Total	578.1	535.8	512.3	484.1

As can be seen, the savings potential of this program is greatest in its early years and begins to decline as the existing housing stock improves in energy efficiency. Taking 1977 as a rough calculation the annual oil savings can be calculated at 578,000 barrels of oil a day times 365 or 210 million barrels of oil a year. At the current import price of \$11 per barrel, this program can cut roughly \$2 billion off the energy bill of the Nation.

Beyond its impressive energy-saving potential, the program will provide an important stimulus to a depressed housing industry. Industry sources indicate that the energy alteration of 4 to 5 million units would be possible in 1975. Again, this is a rough calculation but it indicates the tremendous potential that awaits the incentive program.

#### WHY IS SUCH A PROGRAM NECESSARY?

Ordinarily, we would expect that a homeowner—like any other consumer—would respond to changes in the marketplace and protect his self-interest. We would anticipate that in view of higher fuel costs, more homeowners would consider cutting their fuel bill by investing in additional energy-savings improvements. However, as the FEA blueprint indicated, retrofitting is occurring, but at only a modest rate. Why?

The homeowner faces difficulties unlike many other consumers. John Moyers, a researcher with the Oak Ridge Na-

tional Laboratory has analyzed the problem succinctly:

The individual resident of a housing unit may be unaware of his options, let alone know how to analyze them effectively. Or he may, in fact, have little control over the efficiency of his residence . . . he may suffer at the hands of the builder who seeks to maximize his own profit, or he may misguidedly opt for small savings in initial capital investment instead of much larger savings in operating costs over the long run.

It is important to recognize, therefore, that a program of tax credits such as I propose will perform an important educational function—it will encourage homeowners to think about the energy efficiency of their residences.

Beyond this fact, homeowners have been discouraged from investing in additional insulation because of its high initial cost. Under my proposal one-quarter of the cost of this improvement up to a limit of \$250 for conventional improvements and \$1,000 for solar equipment will be returned to the taxpayer in the form of lower taxes. This incentive will provide the homeowner with an important boost to hurdle the significant costs of these improvements.

#### WHY SOLAR HEATING AND COOLING EQUIPMENT?

While we are planning proposals to upgrade the existing housing stock we should also be mindful of new building technology which offers significant hope of reducing fossil fuel demands in the residential sector. Solar heating and cooling equipment is just such a technology. The capability of heating a building from the Sun is well-known. The capability to cool a building is in the latter stages of development. If the Federal Government were to provide incentives to homeowners to adopt this technology, commercialization of solar heating and cooling units will be significantly accelerated. As the solar energy task force report to the Project Independence blueprint stated:

Widespread utilization of solar energy systems will result in substantial reduction in the consumption of fossil fuels for heating and cooling purposes, thereby releasing fossil fuels for use in those processes for which alternative energy sources are either not practical or not cost-effective.

Providing for the rapid commercialization of solar heating and cooling technology will be a difficult task. Last year Congress passed the Solar Heating and Cooling Demonstration Act—Public Law 93-409—which established a demonstration program to advance this technology. In drafting my program of tax incentives, I have followed closely the mandates of this legislation. For example, a tax credit will be available only for equipment which meets performance standards established by the Secretary of Housing and Urban Development as outlined in Public Law 93-409. This tax credit program will broaden the base of this demonstration program in an urgent and responsible way.

We should consider tax incentives for solar devices as a worthwhile national program. A most unique perspective on this policy was provided by Mr. Sheldon Butt, of the Olin Corp., in testimony be-

fore the Senate Interior Committee last year. According to Mr. Butt:

When a consumer installs solar heating equipment, he becomes an energy producer. He is now in competition with the corporate enterprises who produce and distribute "conventional" energy. His cost is primarily an investment cost. The existing tax laws treat the consumer's investment quite differently from a business investment, particularly so in the area of energy production.

To overcome this tax imbalance it is important that the Federal Government recognize the unique contribution that solar heating and cooling technology can make to the solution of our national energy dilemma.

At present, solar energy systems cost anywhere from \$4,000 to \$7,000. In order to encourage homeowners to consider and, in some cases, adopt this important new technology, any program allows a taxpayer to credit 25 percent of his investment in such a system, up to a limit of \$1,000. The FEA Task Force report calculates that by 1985 an accelerated program of commercialization of solar technology—which would include incentives such as I have proposed—could result in a savings of our annual oil bill of the equivalent of 63 million barrels of oil—assuming oil costs \$7 per barrel. By 1990 this savings could grow nearly threefold to 181 million barrels of oil a year.

Mr. Speaker, it is time to stop talking in generalities about our energy problem and start talking about specific programs. The legislation I am introducing today presents such a program. I am hopeful that the President's recommendation yesterday—which is a more modest, but very similar program—will encourage serious, urgent consideration of this tax incentive proposal. This is legislation which can be enacted quickly and which will have an immediate impact on reducing our energy demand.

#### OPPOSITION TO RAILROAD LINE ABANDONMENTS

#### HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. ASHBROOK. Mr. Speaker, I have introduced legislation which would place a moratorium until December 31, 1976, on the abandonment of railroad lines that are covered by provisions of the Rail Reorganization Act of 1973.

In the absence of a finalized railroad service plan, I do not think it wise for the U.S. Railway Association to allow rail line abandonments. Once undertaken, line abandonments are expensive and almost impossible to reactivate.

Under the Rail Reorganization Act the Congress has a responsibility to act on the final rail system plan for the railroads of the northeastern part of the United States. The Congress should have the opportunity to vote on the final plan without that decision being prejudiced in any way by abandonments.

By law the U.S. Railway Association is required to present its preliminary system plan by February 26, 1975. This plan is supposed to include rail lines and facilities recommended for the final rail system. With the recent addition of the Erie-Lackawanna Railroad to those being reorganized, this preliminary plan takes on more importance.

On or before July 26, 1975, the U.S. Railway Association is to present its final system plan to Congress for evaluation and approval. The Congress has until September 24, 1975, to reject it or otherwise it becomes effective. I do not think that this method—congressional rejection of the whole plan or it becomes effective—is the best one. Nonetheless, the timetable does allow for more public involvement in the final determination.

My bill will make sure that the local communities served by the railroads in the reorganization plan will not be faced with abandonments that neither they nor their elected representatives in Congress have been able to consider as a part of the finalized railroad reorganization plan.

The text of my bill follows:

H.R. 1773

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of Section 304 (f) of the Regional Rail Reorganization Act of 1973, the United States Railway Association shall not authorize the abandonment of any line of any railroad prior to December 31, 1976.

#### NATIONAL ALCOHOLISM MONTH

#### HON. GEORGE M. O'BRIEN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. O'BRIEN. Mr. Speaker, I would like to draw my colleagues' attention to the fact that January is National Alcoholism Month. Throughout the country, campaigns are on to educate people to the dangers and the heartbreak excessive drinking can cause.

One such campaign is being mounted in my own district by the Iroquois County Mental Health Center. The moving force behind this program is Florence Cordes, a wonderful energetic woman who has served with the center as alcohol coordinator for the past 5 years. Florence has done a tremendous job in helping people to understand that alcoholism is a disease that can be treated and that alcoholics are human beings and can only be helped with understanding and encouragement.

I am very proud of Florence's work and I am sure that the hundreds of people she and the center have helped appreciate her even more.

The following is an article from the Iroquois County Times regarding Alcoholism Month:

#### CORDES ANNOUNCES ALCOHOLISM MONTH

January is National Alcoholism Month announced Florence Cordes, alcohol coordinator for the Iroquois County Mental Health Center for the past five years. She feels educating



the public about the alcohol problem will help people seek treatment and seek it earlier. The stigma once placed on alcoholics is becoming less she said and she has seen a definite increase in the patient load in the county in all ages and sexes.

Iroquois County has an active Alcoholics Anonymous group, an Alanon group for family members of an alcoholic, and they did attempt an Alateen for a short while.

She stresses their program offers no magic pills or words. The person has to want to quit drinking and they hope to motivate them to become a responsible member of the community again. They follow the 12 step program and do use Antabuse, a drug that makes a person ill if he attempts to drink in some cases, as well as the group therapy sessions.

She emphasized the most important thing is to realize the problem drinker is a human being who is sick and should be treated that way.

#### TRIBUTE TO MARVIN M. KARPATKIN

#### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. RANGEL. Mr. Speaker, it is unfortunate that amidst all the flurry of activity surrounding the opening of the 94th Congress that we must interject a sad note. One of the Nation's most prominent civil libertarians died last Monday. Marvin M. Karparkin met his untimely death at the age of 48, while jogging near his home on Riverside Drive in New York City.

A graduate of Brooklyn College in 1949 and Yale Law School in 1952, Karparkin founded a law firm in New York City. Together with his wife, he represented many young men in cases dealing with selective service matters. He was always willing to provide legal counsel to all those men who were conscientiously opposed to participating in military action. His desire to see that these men were allowed to exercise their constitutional rights led him to on several occasions argue draft cases for individuals and on behalf of the New York Civil Liberties Union before the Supreme Court.

Karparkin also was quite active in the civil rights movement. During the 1960's when black people were attempting to gain equality and justice in the South, Karparkin made the trip to Mississippi to provide legal assistance and moral support at a time when the movement needed a great deal of both. His actions reflected a belief on his part that equality under the law was an attainable goal and should be achieved. This demonstration of moral support as well as legal expertise by Karparkin shall always be remembered in the black community.

At a time when the public is raising some very valid questions with regards to the integrity of lawyers, Marvin Karparkin was a sterling example of what lawyers should be. He never failed to wage a battle or come to the defense of an individual because of reasons which went to the probability of being successful. Moral conviction was his strong point and for this his presence in and out of

the courtroom shall most definitely be missed. On behalf of my wife and I, I want to extend my deepest sympathy to his wife, Rhoda, and their three children.

#### VOTED AGAINST PRESIDENTIAL INABILITY AMENDMENT

#### HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. GONZALEZ. Mr. Speaker, we have a situation in this country today that has never existed before, and one which I am sure our Founding Fathers never thought could happen. The President and Vice President of the United States were not elected by the people. Not one vote was cast by any citizen for or against either of these men who hold these high offices. They came to power through the use of the 25th amendment to the Constitution, known as the Presidential inability amendment.

The legislation providing for this amendment was considered in the House in 1965, and I was one of the few Members who voted against this bill. The following is an article from the Texas Observer of May 1965 which explains my vote.

*(Congressman Henry B. Gonzalez of San Antonio, was one of a handful of congressmen who voted against the presidential inability bill passed by the Congress to provide a new method of replacing the President with the Vice President. The Observer asked him why he so voted, and this is his reply.)*

Thank you for asking. Here is why I voted against the presidential inability bill:

As you probably know I was one of the first Members of Congress to introduce legislation on the subject of a vacancy in the office of the Vice Presidency. My bill, H.J. Res. 893, was introduced on January 21, 1964, and I reintroduced it in the present session as H.J. Res. 53 on January 4, 1965. The procedure described in my bill has been incorporated in the presidential inability bill passed on April 14.

But the bill that was passed goes too far. The section on presidential inability is most objectionable to my mind. It establishes a dangerous precedent which we may one day regret. This section provides for the transfer of executive power from the President to the Vice President in times of the President's inability. The transfer can occur with the President's consent, or against his protest. There is a vagueness in the language of this section which I believe should not be incorporated into our Constitution. The transfer of power is to be brought about upon the President's declaration that he is unable to discharge the powers and duties of his office. Never is the term "inability" defined. In an area as crucial and consequential as the Presidency of the United States, such a lack of definition can be disastrous.

There are far more serious objections to the presidential inability section of this bill. And before it is finally passed by Congress, and acted upon by the state legislatures, this question should be answered: Does the bill set up a new way in which a President might be wrongfully or mistakenly removed from office by the Vice President and a majority of the President's Cabinet?

By the way, as another example of the vagueness of this bill, the bill itself does not use the term "Cabinet." Instead, there

is a reference to "the principal officers of the Executive Departments, or such other body as Congress may by law provide." Whatever is meant by "such other body" has never been spelled out or discussed to my satisfaction. It has been widely assumed that the reference is to the Cabinet. But as I read it, Congress could set up almost any group of federal officers under this provision.

In order to answer the question I have raised, it is necessary to understand the mechanism set up in this bill by which a President may be involuntarily removed from office. According to Section 4 of the bill, all that is needed is for the Vice President, joined by a majority of the "principal officers of the Executive Departments," to transmit to the Speaker of the House and President Pro Tempore of the Senate a written declaration that the President is unable to discharge the powers and duties of his office. At that point, immediately and without any further procedure and consideration, without any examination or investigation, the Vice President becomes the Acting President. The bill goes on to set out the steps by which the President may regain his office. These steps include his own written declaration that no disability exists, and the assembling of Congress, within five days, to decide the issue.

The fatal flaw in the bill, in my judgment, is the almost unchecked ease with which the President can be removed by either an unscrupulous or mistaken subordinate. However temporary this removal might be, in this nuclear age of push-button and instantaneous devastation it almost certainly would be too long. It is true that the people of this nation have so far been extremely wise and fortunate in the caliber and moral character of the men we have chosen to be President and Vice President. It would be naive, however, for us to suppose that men are infallible, that men do not make grievous mistakes, or even that bloodless coups d'état have not occurred in other countries during our own lifetimes.

For these reasons I voted against the presidential inability bill, and in the months to follow I hope to help bring about further discussion and a public dialogue on this measure. Probably a year or two will expire before final ratification of the proposed amendment can occur. If the people are informed and awakened, there is still time to correct the mistake that was so blithely steamrollered through Congress.

Today I am introducing a bill to repeal the 25th amendment. Little did I realize that the tide of history would find this amendment in use so soon, and I, like a large number of fellow Americans find the current spectacle of an unelected President and Vice President uncomfortable. Our current situation is certainly an awkward one for a democratic nation such as ours to find itself in, and I strongly feel that we must never let this happen again.

The two men currently in power appear to be honest and I am sure would not want to violate the Constitution. But this does not assure our Nation that some time in the future we could not have a situation that would be otherwise.

As long as the 25th amendment is a part of the Constitution the electorate of our country cannot be sure that the two highest offices in our democratic Government could not be filled by persons who have arrived at these positions through unscrupulous, corrupt, or perhaps even violent means.

Mr. Speaker, I hope my colleagues agree with me on the urgency of repealing the 25th amendment and will work with me to achieve this goal.

## TWO-WAY STREET

## HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. BENNETT. Mr. Speaker, my longtime friend Jerry Dragones has sent to me the following letter which I think is worthy of the consideration of each of us. He is a retired Federal Court official of distinguished service who has been for years a great contributor to a host of civic improvements in Jacksonville.

The article follows:

[From the Jacksonville Times-Union and Journal, Sept. 22, 1974]

## TWO-WAY STREET

I read with interest your recent editorial on Cyprus and would like to add the following:

The Island of Cyprus is as Greek as Athens. The Turkish minority of 18 per cent of the population lived in harmony with the Greek majority for centuries, and on the whole they made a prosperous and peaceful state.

The Turks sold the island to the British about 100 years ago and it remained a colony of England until 1960. During World War II the English premier, Winston Churchill, promised Cyprus a union with Greece, but after the war in which Greece fought for years on the side of Western civilization, and was almost wiped off the face of the earth by Italy and Germany, the promise was not kept.

It must be mentioned that while Greece was on the side of the U.S.A. and allies in the First and Second World Wars, Mr. Kissinger's noble ally, Turkey, was lined up with Germany and against the allies in the first, and neutral, collecting benefits from all sides, in the Second World War.

As to her reliability as an ally on the side of NATO I hope, when the chips are down her word will be better than the one she gave our country in stopping the cultivation of the narcotic producing poppies, for which she received many millions of dollars.

The ruthless invasion of a free and sovereign state, such as Cyprus is, will not solve any problems—it will create a lot more. Imagine Castro claiming part of Miami because several hundred thousand Cubans happen to live there, and then to send planes, troops and naval ships, occupy the best part of the city, and then invite the United States to negotiate.

That exactly is what happened in Cyprus; and England, which had troops on the island, two air bases, naval ships, and was one of the signatories that guaranteed the independence of Cyprus, stood still, and our great Sixth Fleet, which is based in Greece, was all around observing what was going on.

No one expected England and the United States to go to war with Turkey in order to stop the invasion. Mr. Lyndon Johnson stopped them on two previous occasions without a single shot. The Greeks have gone out of their way to have good relations with all their neighbors, and particularly with the Turks.

What has happened to Cyprus actually happened to Greece. The present premier, Const. Caramanlis, is a proven friend of America and the Western world, but he needs real assistance in order to survive politically. Greece needs NATO and NATO needs Greece, but we have to realize that friendship and reliability is a two-way street.

JERRY D. DRAGONES.

## REORIENTING OUR ECONOMIC GROWTH

## HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. BROWN of California. Mr. Speaker, I take this time to discuss our current economic, energy, and ecological goals, and what I see as the means to balance these often conflicting values. President Ford, in his state to the Union address, attempted to deal with these three issues. Unfortunately, for him and for the Nation, his speech failed to understand the true nature of our current problems. The President is not alone in his perceptions of the problem, but neither are the critics, such as myself, alone in our own perceptions of the problem.

The fundamental flaw in the President's program, and in many of the responses of the President's critics is the failure to recognize that the industrial growth of the Western World in the last 100 years, and especially since World War II, cannot continue as it has in the past. The Western World, and the entire planet must recognize this new reality of limits to growth, and adjust our values and institutions to fit this new reality.

The difficulty with discussing the subject of economic growth is that unspoken assumptions get in the way of clear thought and open discussion. One must first recognize what these unspoken assumptions are before any constructive discussion can occur.

Coincidentally, two papers on this general subject were referred to me this past week. The first paper, which I want to insert into the RECORD, was written by Jack J. Combes and published in the National Association of Manufacturers Reports of July 23, 1973. One of the key paragraphs of this paper, which was refreshing to see in an industry publication, was the following:

Quality of life is not determined by the sheer mass of goods and services a people have available. Rather it is determined by the quality, serviceability, low maintenance, and the aesthetic and artistic appearance of the products they are provided with. We must reorient our technology away from quantity to the creation of higher quality products with the characteristics previously described. Conserving and making most effective use of our non-renewable resources, our environment, and our earth, is really living within our means and investing, not wasting and consuming, our capital. To attain this goal American industry must act—not react, it must lead—not follow, for its own benefit and for the benefit of everyone.

The article, "Some Thoughts on Limits to Growth" follows:

## SOME THOUGHTS ON LIMITS TO GROWTH

(By Jack J. Combes)

The result of the study, sponsored by the Club of Rome and performed by researchers at the Massachusetts Institute of Technology, to determine if there are any limits to the numbers and activities of man on earth have, since their publication in "The Limits of Growth," caused strong and divergent reactions. And well they might.

The concept that "there are limits to population, industrial and other activities, which cannot be exceeded without serious consequences" is as revolutionary in its time as the concepts that "the earth is round" and "the world is not the center of the universe" were in theirs. Some of the reactions to "The Limits of Growth" were, may I add, very similar to the initial responses to those older, now proven, ideas.

The subject has been seriously discussed at three recent NAM meetings—the joint sessions of the Environmental Quality, Urban Affairs and Natural Resources Committees in New Orleans in November, the annual meeting in New York in December and the Joint Policy Committees meeting in Washington in March. This indicates a tremendous interest among the membership on the subject. At these meetings the definite impression was created, from what was said in audience participation statements and off-the-cuff conversations later, that, although the members wanted to continue growth as before, they were not sure it should continue. Even though many of the speakers—but not all—assured them it should, they seemed to be worried and confused over what might happen if growth continued unabated as before and what would happen if it abruptly stopped.

Certainly there is sufficient reason to be worried and confused. The Club of Rome was sufficiently worried over the possible results of continued exponential growth to sponsor the study. These men are some of the world's most prominent industrialists, scientists, economists, sociologists and educators and at least one of them is prominent in the NAM. Their concern must be taken seriously. Those who conducted the study are highly regarded mathematicians, engineers, economists and skilled researchers from one of our most prestigious universities.

Their study showed any one of five basic factors: "Rapid population growth, environmental deterioration, depletion of non-renewable resources, industrial production and agricultural production" could generate a situation of "collapse" by the middle of the next century. The projection was arrived at through computerized analysis with the computer models of world functions developed by the MIT study team.

Criticism of the study has two bases: (1) "The computer models were too simplified and, therefore, did not generate a true picture" (2) "The study did not take into account the mitigating effects of technological improvements and breakthroughs."

The study team specifically called attention to the lack of sophistication in the computer model but asserted it was basically correct. Improvements in the model would, I believe, not alter the trends shown but only change the time at which their effects occur.

In regard to the mitigating effects of technology, technology may be likened to a good lawyer. Expert lawyers enable a company to successfully and effectively carry on its complicated activities within the constraints of the law. They cannot enable it to safely break the legal rules and regulations under which it must operate. Similarly, technology is essential for mankind's continued existence in today's complicated physical world in the life style to which the developed peoples have become accustomed and to which most of the rest aspire. It is also essential to the continued improvement of that lifestyle, for which we are all striving, but it certainly cannot show us how to violate immutable physical laws.

Following are some simple examples to refute the aforementioned criticism:

It has historically been pretty well accepted that the economy of the United States must continue to grow at the rate of 4 per-



cent per year in "real dollars" for us to have good economic health. In 1971, or thereabouts, the indicator of the economy, the Gross National Product, passed \$1 trillion per year. Our 200th anniversary comes in 1976. There isn't any one of us, I hope, who believes the United States has even reached the middle age as a country. Therefore, at a continuing annual growth rate of 4 percent per year (compounded that is), I wondered what the GNP would be in 2176, when the United States is twice as old as it is now, and what it would be in 2276 when it is 500 years old?

Many European countries are older than 500 years. Very simple calculations—\$1 trillion  $\times 1.04$  to the 205th power and  $\times 1.04$  to the 305th power show the GNP would be just barely under \$3000 trillion in 2176 (it would be over in 2177) and slightly over \$150,000 trillion in 2276. In 2176 the 4 percent annual increase in the GNP would be 120 times the present total GNP. Obviously, some change in the present growth trend will have to be made long before 2176.

Then consider the power generation increase. It is a generally stated fact that power generation has doubled every 10 years since World War II. If this continued another 200 years, power output would be over 1 million times what it is now. All heat generated, even that effectively utilized as power, ultimately flows to the environment as heat (BTU), but at a lower temperature, just as concentrated thermal pollution in cooling water does. Except for that which radiates into space it raises the environmental temperature. To determine the actual rise in temperature of the biosphere from that heat release would be a more complicated calculation than that of the future GNP, but I am sure the rise is one which we could not endure.

The world is a finite space vehicle with all of its supplies aboard—and its crew keeps increasing in numbers quite rapidly. (The present dip in the birth rate, which has happened before, will have to be sustained for a considerable number of years for it to be any more significant than a temporary dip in the stock market.)

The earth, as a spaceship, does have some advantages over the ones we send out from it. One is that it continuously receives power from the sun to clean and recycle fresh water and to grow (really recycle) its food supply. Another is it is not as crowded as the ones we send up but these, at least, do not continuously become more crowded. Because it is a space ship how can it not be limited in regard to the size of its crew, the consumption of its non-renewable supplies, and the activities carried on aboard? Though the supplies are not completely inventoried their quantity is still limited.

On the basis of our space achievements we may believe technology will enable us to overcome some of these restrictive, natural laws. After all, we have shot space vehicles off the earth which do not fall back. Therefore, haven't we been able to break the law of gravity? We have not. Our space vehicles are operating completely under the law of gravity. When, in their travels, they enter a gravitational field sufficiently more powerful than the earth's or one whose force is coincident with their direction they will be captured by that field and fall into the body generating it.

Still we cannot accept, except in the most dire emergency, the economic and political chaos which will result from an abrupt cessation of growth. (From past experience there is plenty of evidence of what this causes and, in many ways, wastefully) what can we continue to grow as before (exponentially and, in many ways, wastefully) what can we do? I believe there are several things we can start to do which will ultimately lead to a solution of this relatively new problem, of which we have only recently become aware.

In regard to population, since we are the

only rational, thinking, planning species, we can voluntarily limit our numbers. There are many ways to do this. Every family should be able to find at least one that is acceptable. The fact that population growth has stopped right now (in the United States and some other advanced countries) shows it can be done and, therefore, can be continued. We don't have to multiply involuntarily until sheer numbers cause collapse. Some have said the earth can hold many more people than it now has. From the standpoint of room alone this is so but do we want our voyage on earth to be as one on a cruise ship or one on a troop ship?

In regard to economic growth, I believe the answer can be found in growing as nature does and in making maximum use of our one unlimited resource—brain power. Economic growth, since it is the growth of production, distribution, and consumption of goods and services for and by all of us, can, I think, be likened to the growth of a living thing. For a living thing the only satisfactory type of growth is natural growth. In nature, exponential physical growth is cancerous and no growth of any kind is death. The GNP, which is a measure of the size of our economy, should grow as a tree does. A vigorous, healthy tree grows asymptotically—each year's growth is a correspondingly smaller percentage of its total size but it doesn't stop growing or decline in total size until it begins to die.

Much more important than growing in size is growing in quality. Quality is an unlimited product of an unlimited resource (ability or brain power) that commands a high price and conserves rather than consumes resources. Industry can, and must, grow in quality by designing and producing products that contain less non-renewable resources, require less power to produce and use, don't pollute the environment in production, use and disposal, provide more satisfactory, trouble free service, and are more recyclable. In devoting its one unlimited resource to an unlimited product, quality, industry is sure to find additional, valuable, quality factors that it can incorporate into its products and services to the advantage of its customers and itself.

Quality of life is not determined by the sheer mass of goods and services a people have available. Rather it is determined by the quality, serviceability, low maintenance, and the aesthetic and artistic appearance of the products they are provided with. We must reorient our technology away from quantity to the creation of higher quality products with the characteristics previously described. Conserving and making most effective use of our non-renewable resources, our environment, and our earth, is really living within our means and investing, not wasting and consuming, our capital. To attain this goal American industry must act—not react, it must lead—not follow, for its own benefit and for the benefit of everyone.

Another paper, which was published in the January 1975 issue of the Center magazine, the house publication of the Center for the Study of Democratic Institutions, is particularly enlightening on the subject of the steady-state political economy. The author, Dr. A. Daniel Burhans, has done an excellent job of explaining the theory of the steady-state paradigm, which is contrasted to the perpetual-material-growth paradigm, and the need to rapidly move our economy toward the steady-state political economy.

I very strongly urge my colleagues, and those who read the CONGRESSIONAL RECORD, to review this article, which I insert it into the RECORD at this time.

The article, "The Steady State," follows:

#### THE STEADY STATE

(By A. Daniel Burhans)

Is the steady-state political economy an idea whose time has come? The numerous and unrelenting anomalies in the neoclassical Keynesian "growth" economy would seem to indicate that it is. Yet while physical scientists and biologists are generally receptive to the steady-state idea, contemporary Keynesian economists are generally opposed.

Much of the discussion at the last few annual conferences of the American Association for the Advancement of the Sciences has focused on a social-political-economic system at peace with the ecosystem—in other words, a steady-state political economy. And yet there has been hardly a mention of the steady state at recent meetings of the American Economic Association.

Many physical scientists and biologists see the earth and all its organisms as a steady-state open system. While growth in young ecosystems is natural and its major emphasis is upon development, productivity, and quantity, mature ecosystems emphasize protection, stability, and quality. Notably, most organisms pass the first, or growth, stage about a quarter of the way through their life's journey. Nature's model, and part of the steady-state's premise, is that the physical dimensions of bodies and artifacts must reach stability and equilibrium at a certain stage. In this view, unlimited growth by any one subsystem would be an aberration and a threat to itself and eventually all other subsystems. It seems obvious to many scientists that these constraints would equally apply to all systems including the economic system. Thus the issue is drawn between finiteness and unlimited growth.

A major guideline for the steady-state political economy is the maintenance of a constant stock of people and physical wealth, or capital. Steady state is not equivalent to stagnation. The steady-state society is open and creative. Stocks do not of themselves remain constant; people die; wealth is physically consumed, worn out, depreciated, replaced. But in a steady-state society, inflow (i.e., birth and production) is carefully and methodically regulated by outflow (death and consumption).

Physical scientists constantly work with systems which are closed-looped, material cycles powered by the sun. It is a reflection on our social scientists, particularly our economists, that while the biologists and physical scientists are concerned with "how to live a good life in a finite earth at peace and without destructive mismatches" (a problem posed by the A.A.A.S.'s 1971 meeting), economists still cling to the "growth" model and to the aim of overcoming "scarcity," all the while ignoring the implications of pollution, the finiteness of natural resources, and the dangerous rise of thermal heat around the planet Earth because of our energy consumption.

In all our talk of the affluent-effluent economy we speak of the infinity of human wants as well as the drive to eliminate scarcity. But at the same time our advertising industry thrives on the perpetuation of the illusion of scarcity by multiplying human wants. A discussion of contrived scarcity versus genuine human needs would be essential to an understanding of the steady state, but one searches the economic journals in vain for that kind of critique and exploration.

A few economists—e.g., Herman Daly of Louisiana State University and Kenneth Boulding of the University of Colorado—tell us it is not realistic to expect traditional economists to face up to the contradictions and anomalies revealed in the present economic system's effect on the ecosystem. According to Daly, a paradigm shift would be most difficult for economists because they would have to sacrifice their intellectual (and material?) vested interests

in the perpetual-growth theories and policies of the last forty years.

[According to Thomas Kuhn, paradigms are "universally recognized scientific achievements that for a time provide model problems and solutions to a community of practitioners." Commenting, Michael Roskin in a recent issue of *Political Science Quarterly* says: "A paradigm is the basic assumption of a field; acceptance of it is mandatory for practitioners." The paradigm shift occurs, says Roskin, still commenting on Kuhn, "when researchers, operating under their old paradigm, begin to notice that their empirical findings do not come out the way they are supposed to. . . . Anomalies or counter-instances crop up in the research and throw the old paradigm into doubt. Then an innovator looks at the data from another angle, reformulates the basic framework, and introduces a new paradigm."]

In *The Structure of Scientific Revolutions*, Kuhn notes that paradigm shifts have usually been made by people outside the discipline, by the young, and by people new to the discipline, i.e., "those relatively free from the established preconceptions."

Daly says in his book, *Toward a Steady-State Economy*, that the steady state appeals to physical scientists because they are "viscerally convinced that the world is a finite, open system at balance in a steady state, and they have not invested time and energy in economic growth models."

Perhaps most of us operate within narrow ideological and theoretical frameworks. Many people know that their natural and social environment is rapidly deteriorating. But the solutions we seek generally lie within the narrow confines of a single political economy. All others are dismissed as utopian or subversive. We seem to be hamstrung by an economy which is aggressive toward the environment, demands the "triumph" of man over nature, and is almost totally lacking in ecological perspective. Its central concept, growth, is itself narrowly anthropocentric, but its main error is its insistence that growth will solve any and all problems, including those caused by growth itself, a position that grows increasingly strident as it becomes more obvious that it is self-defeating. Whether the problem is inflation, poverty, unemployment, balance of payments, pollution, depletion, or war, we have been conditioned to think that an ever-expanding gross national product is the all-purpose solution.

But when traditional economists cannot or will not account for the gross anomalies in the present system, we are bound to get pressure for a paradigm shift. Today, such anomalies as pollution and depletion, rather than poverty or unemployment, seem to be the major perceived flaws in the growth model.

Classical economists did believe we would eventually have to have a steady state, because of depletion resulting from increasing costs and diminishing returns. But the weakness of the Keynesian growth paradigm is most profoundly and clearly shown in the despoliation or pollution of the environment. This is not surprising: in a market system, depletion costs are most often private, though increasingly social, while pollution costs are nearly always social. Daly explains it this way:

"On the input side, the environment is partitioned into spheres of private ownership. Depletion of the environment coincides, to some degree, with depletion of the owner's wealth, and inspires at least a minimum of stewardship. On the output side, however, the waste absorption capacity of the environment is not subject to partition or private ownership. Air and water are used freely by all, and the result is a competitive, profligate exploitation—what biologist Garrett Hardin calls 'the commons effect,' and welfare econ-

omists call 'external diseconomies,' and what I like to call the 'invisible foot.' Adam Smith's 'invisible hand' leads private interest unwittingly to serve the common good. The 'invisible foot' leads private self-interest to kick the common good to pieces. Private ownership and private use under a competitive market give rise to the visible hand (and foot) of the planner. Depletion has been partially restrained by the invisible hand, while pollution has been encouraged by the invisible foot."

Today, while family planning and zero population growth have been widely accepted and put into practice, our economic growth paradigm continues almost unchallenged and the steady-state political economy has not yet entered the public dialogue.

Both capitalist and socialist nations look to growth for their salvation. This might be excusable in most of the socialist societies because they are poor and need to grow (though not in population). But many of the industrially advanced capitalist nations with their continued overproduction, pollution, and depletion, are adding to international inequities and are the real threat to a healthy ecosphere.

Most of the steady-state guidelines are intended for the Western technological-industrial societies. The others could still benefit from a higher capital growth rate. The less developed nations face another kind of difficulty. Their fertility rate is about 3.0; in the rich nations, it is about 1.5. While in terms of gross national product both are growing at about the same rate, the poor nations' fertility rate defeats all efforts to raise their productivity. So the gap between rich and poor continues to widen and in most cases the poor countries' per-capita annual product (and thus consumption) actually decreases.

The first political economist most closely associated with the steady state is the nineteenth-century thinker, John Stuart Mill. Interestingly, Mill is also one of the great defenders of individual rights. He foresaw, in what he called the stationary state, the realization of far higher human goals. "At the end of the progressive state," he said in his *Principles of Political Economy*, "lies the stationary state; all progress is but a postponement of this, and each step in advance is an approach to it."

The stationary state is needed, Mill says, because "the increase in wealth is not boundless . . . and population must be contained and balanced to enable mankind to obtain, in the greatest degree, all the advantages of both cooperation and social intercourse."

Mill's prescription may be more relevant now than ever. But most of today's biologists and physical scientists argue that the finite quality of natural resources, waste, thermal pollution, and overpopulation are the major reasons for the need of a paradigm shift. Members of the Club of Rome seem to concur. In their most important treatise, *Limits of Growth*, they say: ". . . because our environment—the earth—is finite, growth of human population and industrialization cannot continue indefinitely. This fact must be impressed on the population—for it is not generally recognized how very close we are to the physical limitation which defines the carrying capacity of our globe."

One of the paramount limits to growth to which scientists address themselves is thermal pollution, the waste heat from energy. We must, they say, cut down much of our present industrial production because of this form of pollution. Since we cannot recycle energy (the first law of thermodynamics) and since all energy is eventually converted to waste heat (the second law of thermodynamics), we will always be plagued by some thermal pollution.

The best we can do, scientists contend, is slow down this long-run, universal thermodynamic-heat-death progression. Only a certain amount of waste heat can be absorbed by

the surface of the earth. Scientists believe that if we increase our energy consumption by only four per cent for the next 130 years, we would then be releasing heat amounting to one per cent of the incoming solar radiation—enough to increase the temperature of the atmosphere by three-quarters of a degree centigrade. This does not seem like much, but the earth's temperature balance is extremely delicate and critical. An increase of three-quarters of a degree centigrade would likely lead to global climatic upheavals, leading to the further melting of the polar icecaps. Within a thirty-year period, in most cities (e.g., the Los Angeles Basin), there would be an eighteen-per-cent increase in the normal incidence of solar energy.

Thus today's scientists, in the tradition of John Stuart Mill, are playing a progressive role in the development of this new paradigm. Their view regarding the need for the steady state can be summed up fairly accurately in this argument from *Limits to Growth*:

"On a global scale man is presently experiencing an exponential growth in population and in what we will call capital—buildings, roads, cars, power plants, machinery, and ships. Some inevitable consequences of this growth are the exponentially increasing demands for food and energy and also the exponentially increasing additions of pollution to the environment."

"Because we know that there are upper limits to the supply of food and energy the earth can provide and limits also to the amount of pollution that can be absorbed by the environment, it seems obvious that the material growth that brings us toward these limits cannot continue indefinitely. . . . Matters are most urgent since indications are that we will surpass several of these constraints within the next few generations if current growth continues. The growth must stop."

As noted earlier, there are two major stipulations for the steady state: one is a constant stock of people and capital, the other is a low rate of throughput. Since the stocks of both people and capital do not remain constant in themselves (they are always coming and going, both people and goods have definite life cycles), they must be maintained by a rate of inflow (birth and production) equal to the rate of outflow (death and consumption). So beyond specifying the equilibrium of stock, we must also specify rate of throughput. If we had a high-speed flow of people this would be an unacceptable ethically; and a high-speed flow of goods would continue to intensify pollution and depletion.

Thus, the steady state needs this additional guideline: stocks (people and capital) should be maintained at the lowest possible rate of throughput. To maintain an equilibrium stock, the average age of death of its members is the reciprocal of the rate of throughput. This can be better understood by visualizing a water tank—the faster the flow through the tank, the shorter time each drop of water has before it is expelled. When we place a high value on a long life expectancy (which seems socially desirable within reason), then we are specifying a low rate of throughput (a low birth rate and an equally low death rate).

On the other hand, a low rate of throughput for the stock of wealth (capital) means low production and equally low consumption. This in turn suggests that we must increase the life expectancy and durability of our goods and use less time to produce them. Given the Puritan work ethic, this raises problems. But it need not mean depreciating totally the value of hard work, only a shift in emphasis away from the production of things in vast quantities to making fewer but higher quality goods. Such a shift should open the way to increased emphasis upon the quality of human relationships and human cultural development—both individually and



institutionally—something major religions have been counseling for a long time.

Steady-state economists suggest that we let ecological thresholds guide us in the size of the maintenance flows of matter and energy; that is, in setting tolerable limits in the rates of depletion and pollution. If these limits are exceeded, the system will break down.

In sum, then, the physical qualifications of the steady state are a constant stock of wealth and population maintained by an inflow of low entropy matter-energy (depletion) and an outflow of an equal quantity of high entropy matter-energy (pollution). Both the size of the stock and the rate of the throughput must not be so large relative to the total environment that they obstruct the natural ecological processes which form the biophysical foundations of wealth. The only way to slow down entropy is to use less energy and matter, and this in turn protects our environment from depletion and pollution.

In order to slow down throughput, the durability of goods must be maximized and/or other goods must be recycled. We have the technological ability to increase the durability of goods—it is the same technology which enables manufacturers to build in obsolescence and to design decay. We can, for example, easily extend the lifetime of our automobiles by a factor of three or four, but our economy puts profit before quality and durability.

Extending the durability of goods raises a political and ideological problem of nearly revolutionary proportions. It also treads on the traditional growth paradigm which says that in order to keep profits up (and thus micro- and macro-economic growth), advertising must contrive scarcity by creating "needs." These "needs" are satisfied momentarily (designed decay insures the ephemerality of the satisfaction), and then the "needs" begin all over again.

Often, the very considerable ecological virtues of the steady-state political economy obscure what may be its most important potential advantage, that is, its prospect for a new social perspective. The steady state is intentionally described as a political economy rather than merely a new economic paradigm, for it offers the possibility of a whole new system of power in tune with our highest sense of social and political justice. When it optimizes rather than maximizes production and consumption, the steady-state society's central concern becomes distribution rather than production.

It is then likely that our democratic ideals will at last be applied to our economic as well as our political activities, for the steady state will not permit us to skirt any longer the ethical appeal for equal shares. Gone will be the excuse of the market society—both classical and Keynesian—i.e., that growth will bring both a greater absolute share for everyone and a more equitable relative share (the trickle down theory). While these tenets were perhaps never quite believed neither were they ever dethroned.

In order to redesign a new distributional mechanism, it will also be necessary to shed some of the market system's basic philosophical and social assumptions. First, the notion that man is an infinite desirer of utilities, an infinite appropriator and consumer; second, that inequality is necessary for incentive.

Jeremy Bentham insisted that inequality was both necessary and right to produce incentive and that equal distribution would be incompatible with security of property, including profit, which he saw as the indispensable incentive to productivity. Both these assumptions, basic to a justification of the market system theory, are essentially an outgrowth of Benthamite utilitarianism. Neither the physical nor social environment of the steady state would be amenable to these notions. Thus, as is quite evident,

while the steady state makes fewer demands on our environmental resources, it makes very great demands on our moral resources.

Those environmentalists who see the steady state as a solution to their problems come face to face with these ancient social justice questions also. However, they are pushed to a more radical critique of traditional economic and social arrangements for another reason: their movement is under heavy attack from industry. The corporate strategy is designed to put environmentalists in conflict with labor, the poor, and the consumer. Increasingly, corporate spokesmen point to current and future plant closings, loss of jobs, and higher prices as a result of safety and pollution controls. (The facts are that nearly a million new jobs have been created in the environmental control sector, though, no doubt the poor and the consumer will ultimately pay more than their fair share for the damage done to the environment.)

The defensive position of the environmentalists has led them to examine the contemporary political economy as a whole and eventually to focus on the issue of distribution of wealth and income. In the process, it has become evident to them that there were other, far more important, causal factors involved than environmental control measures: for example, corporate subsidies and taxes; corporate control of supply and demand (and other monopoly practices); advertising; government pork barrel; public works projects; discrimination; and a host of other examples of collusion among businesses and between business and government.

With aid from Herman Daly's and Louis Kelso's new studies (*Toward a Steady-State Economy* and *Two Factor Theory*, respectively), environmentalists have begun to challenge the ethnic of flow of wealth through jobs: i.e., that everyone gets a share in the form of wages, interest, rent, or profit, and that it is all quite fair. "What about the stock of wealth?" asks Daly. "Not everyone owns a piece of stock."

Robert Lampman (*The Share of Top Wealthholders in National Wealth*) showed that between 1925 and 1956, seventy-six per cent of all corporate securities in the United States were owned by one per cent of the stockholders. Therefore, most people actually rely on flows engendered by capital.

Louis Kelso, along with a number of other economists (Daly and Galbraith among them), maintains that capital, not labor, plays the dominant role in production in all advanced industrial societies. Thus, a proper or proportional share of the national product is increasingly withheld from the wage earner because the Keynesian redistributional mechanism depends chiefly on wages.

On the income side, there is maldistribution, but it is not quite as extreme. The top fifth of the population gets about forty-three per cent of the income, while the lower fifth gets five per cent. According to Peter Henle of the Department of Labor, there is a persistent trend in the American economy toward actual inequality. Henle shows, for example, that from 1958 to 1970, the share of aggregate wage and salary income earned by the lowest fifth of male workers declined from 5.1 per cent to 4.6 per cent, while the share earned by the highest fifth rose from 38.15 per cent to 40.55 per cent. Herman Daly's conclusion on that kind of evidence is worth quoting:

"We all produce junk and cajole other people into buying it, not because of an innate love for junk or hatred of the environment, but simply in order to earn an income. This would suggest a look at some alternative principle of income distribution that is independent of and supplementary to the income-through-jobs link."

Thus, environmentalists have gained an important insight into the political nature of all economic distribution. They, and perhaps we, have learned that the problem has

systemic roots. Individuals (e.g., environmentalists, wage earners) are not the cause of our cumulative dilemmas; they have merely served as convenient scapegoats, victims of, at best, a holding tactic for an outgoing, cracked and crumbling economic paradigm which was worthy in its day but has been made obsolete by the march of events, and which is now an idea that even may run counter to human and global survival.

The steady state, on the other hand, can offer a way out of our ecological morass with its emphasis on stabilization of population and production and quality of throughput, both human and material. On the social side, the steady state's potential for greater equality of distribution of land, labor, and capital begs to be developed and realized.

The steady state may indeed be an idea whose time has come—and not a moment too soon.

Mr. Speaker, these two articles do more than explain some of the implications of limits to growth, and the direction we will have to move to avoid greater economic, energy, and environmental problems in the future. These two divergent sources also demonstrate that the awareness of this issue is rather widespread, and that the interest in this subject is growing.

I intend to spend more of my time examining this issue, and I am optimistic that others will recognize the need to join me in this effort.

ROBERT GARDINIER: LAWDALE  
MAN OF THE YEAR

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. CHARLES H. WILSON of California. Mr. Speaker, John Bunyan said:

A man there was, tho' some did count him mad,  
The more he cast away, the more he had.

This is an apt description of Robert Gardinier, a California resident since 1945 who was honored on January 17 as Lawndale, Calif.'s, man of the year.

While not president or vice president of any organization, Bob is active in many areas of community service since he is always available to do the behind-the-scenes work which is essential to the success of any organization. He and his wife Chris and their three sons have lived in the same Lawndale house for over 21 years, a home which has always been open to young people. The Cub Scouts, Little Leaguers, and all the young people who have participated in the Youth Day parades all remember Bob's enthusiastic leadership.

A member of the Lawndale Rotary who received he Non-Board Member Award in 1968-1969, Bob Gardinier has been extremely active in Rotary affairs. He served on the Rotary Head Start party committee 5 years and the Rotary Youth Service Committee. In 1968, he and his family enjoyed hosting three international guests in their home. At present, Bob serves on the Head Start Committee and is Chairman of Student Guests.

A member of the Inglewood Elks Club as well, Bob has helped on ways and means projects, paper drives, and rum-

mage sales. He has received the Mark Twain School PTA Merit Award and Honorary Service Award on behalf of the youth of the community.

As a charter member of the South Bay 25 Club, Bob literally plays Santa Claus during the month of December. Donning his own Santa suit, he visits thousands of children each year. Last year, he visited four schools for the mentally retarded; and, when no toys were available at the South Bay Orthopedic School, he purchased them himself. At this time of year, he also visits the elderly in their homes and rest homes, giving out gifts from the Soroptimist Club.

Knowing that "we gain only as we give," Robert Gardinier is a worthy recipient of the Lawndale Man of the Year award. He has given much to his community and is beloved for his generosity.

#### WILMINGTON PAYS TRIBUTE TO ALL-AMERICAN STEVE RIVERA

#### HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. ANDERSON of California. Mr. Speaker, the Los Angeles harbor community of Wilmington will pay tribute on January 30 to one of her outstanding young athletes, All-American Steve Rivera, in recognition of the many honors he has won for himself and this fine community in southern California.

Steve Rivera, presently a junior at the University of California at Berkeley, has repeatedly demonstrated his ability, courage, and determination to lead his teammates to victories over the toughest of competitors.

For his agility and valor, he has won numerous honors; however, rather than listing each of the great accomplishments, I wish to cite a couple as indicative of his talents. In 1971, while a senior at Banning High School, Steve won out in competitions with America's very best athletes by his selection to be on the high school All-American football team. Furthermore, not only was he chosen to play in the North-South Shrine Game, but he also broke several existing records.

In his freshman year with the Golden Bears, he was quickly recognized by being awarded the Most Outstanding Freshman Player. And after being selected the most valuable player at several important games, Steve, this year while still a junior, was selected for the All-American first team by the Associated Press, and to the Pac-8 All-Conference Team.

In addition to his athletic strength on the gridiron, he has also demonstrated his strength of mind and character. Currently a sociology major at the University of California at Berkeley, he plans to continue to involve himself with youth work after graduation.

Mr. Speaker, his parents, Jose and Elizabeth Rivera; his sisters, Karen Ramirez, Donna Garibay, and Leslie; and his brothers, Jens, Christopher, and Mark, have a right to be pleased with

this member of their fine family. I am confident that they are as proud of him as are his coaches, Chris Ferragamo and Ed Paculba, and the other faculty and students of the Banning High Pilots, as well as the entire South Bay community.

My wife, Lee, joins me today in paying tribute to Steve Rivera, and in wishing him our very best in his future endeavors. I am sure that we will be hearing a great deal more about this promising young man.

#### UNDER FORD'S PLAN, THEM THAT HAS GETS

#### HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. RONCALIO. Mr. Speaker, here is good reading for RECORD readers. It is from the Denver Post:

UNDER FORD'S PLAN, THEM THAT HAS GETS  
(By Leonard Larsen)

WASHINGTON.—"Thank God," said the secretary of the treasury, "the President has come down on the side of freedom of choice."

As the secretary, William Simon, explained it Thursday to a White House meeting of governors, mayors and other state and local officials, coming down on that side—presumably God's side—will "let the system work."

The system, as outlined in major elements of President Ford's program to attack this country's economic sickness, is the same old system which rewards the powerful and privileged in good times and bad and depends on the rest of us out there to pay for the indulgence.

Yes, of course, as President Ford himself told the assembled state and local officials, "this is a time for sacrifice. If everybody doesn't sacrifice a little, we're going to be in trouble."

The actual sacrificing, as the Ford program was submitted to Congress, will be done by those who are accustomed to it—the aged, the jobless, the marginally employed, the minorities, the deprived, all of those whose contributions and whose bare existence might be improved by attention and a federal response to their problems.

Their sacrifices are sternly spelled out in the Ford plan for recovery, as he said in his State of the Union message and as he told the mayors and governors Thursday:

"There will be no new federal programs, period. I am not going to recommend any and if Congress sends any to the White House I will veto them."

Those targeted for the harshest sacrifices will be joined by most of the rest of us who will be guaranteed higher fuel costs and, quite likely, a resulting new round of inflation touched off by the theory that a lot of us will be priced out of the market so the country will use less gasoline and other petroleum products.

The Ford program has not entirely ignored the low and middle income families, but in the proposed system of rebates on 1974 income taxes the economic pecking order is maintained—them that has gets.

Presumably Mr. Ford's vice president, Nelson Rockefeller, will rush out with his \$1,000 rebate to help spend the country out of recession.

But those on the bottom of the heap, with rebates of \$50 or \$25 or nothing at all aren't likely to rush to the shopping center to splurge on a new car or a new TV set or even a new can opener.

If anything, the Ford economic recovery

program suggests that those at the pinnacle of power in the national government, are loath to apply it to the economy, that they are worshipfully certain that a little tinkering—with the appropriate "sacrifices"—will make the thing well.

The Ford administration view of gasoline rationing—which helped catapult Colorado's John Love out of office as the federal energy "czar"—illustrates the apparent over-all attitude toward the use of the tools of government.

Simon, in his talk to the mayors and governors, lumped gas rationing with wage and price controls as unworkable examples of "more government and more bureaucracy"—obviously on that other side of God.

Rogers C. B. Morton, the secretary of interior and another participant in the hard sell session at the White House Thursday, asserted that rationing would only "throw a blanket" over the energy problem, that it would have "a depressing effect," that it would be "inequitable" and "almost impossible to administer."

The President suggested that rationing to limit the consumption of gasoline would have to be long term "and I don't think a five-year gas rationing program is sustainable."

And besides, Ford said, gas rationing "wouldn't produce new sources of energy."

So, in the Ford administration plan, the solution to fuel scarcities will be left to the mercies of the marketplace and all of us according to our ability to pay will make our sacrifices there.

Ford stressed in his talk to the state and local officials that it's up to Congress now—"The responsibility is on the shoulder of Congress."

That seems to be so. And Congress ought to come up with something else.

#### INTRODUCTION OF GUAM DEBT CEILING AMENDMENTS BILL

#### HON. ANTONIO BORJA WON PAT

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. WON PAT. Mr. Speaker, today I have introduced a measure to permit the people of Guam to decide in a referendum whether or not the territory shall incur a public indebtedness in excess of the present limitation of 10 percent of the local government's property valuation. The measure before us today would amend the Guam Organic Act to provide for such action.

I believe that this measure is crucial, especially in these times of financial difficulties for public bodies. As you know, many government agencies are having an extremely difficult time making ends meet. Although I have great faith in the wisdom and financial good sense of my fellow Americans in Guam, the current limitation of only 10 percent is insufficient to permit the kind of expansion which the Government of Guam has in mind to protect the island's development.

In addition to providing potential for additional sources of revenue, this measure will offer the people of Guam the same kind of fiscal control over their local government as have residents of the various States. It is my belief that local governments should not be permitted to issue revenue bonds without permission of the voters. Should Congress agree, my bill will confer on the people of Guam veto control over the actions of their gov-



ernment and thus strengthen the democratic process in Guam.

This measure is identical to H.R. 7205 which I introduced in the prior Congress but was not acted upon.

### SOVIET DOUBLEDEALING IN OIL

#### HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. GILMAN. Mr. Speaker, a year ago at this time our Nation was suffering through the worst of the Arab oil embargo—an embargo inspired and encouraged, in large part, by the Soviet Union. Today, we are still living with the effects of that embargo and trying to understand what it means for American policy and for the future stability of the Western World.

An interesting clue to this puzzle may be found in an article in Monday's New York Times. This article, by the noted economics professor, Marshall I. Goldman, cites significant evidence that the Soviets, who had urged and vocally supported the Arabs in their embargo action, violated that embargo in their discretion and at their pleasure when they found they could profit by doing so. The U.S.S.R., the world's largest producer of petroleum and its fifth ranking exporter, sold oil to a number of Western nations at prices which had been vastly inflated by the embargo—in short, they exhorted the Arabs into taking the embargo route and then made a quick financial profit from the situation they helped to create.

This article should serve as a stark reminder to our Nation that we are dealing with a power wholly dedicated to its own goals, whether they coincide with our Nation's goals or not. May it also serve as a reminder to spur us on to even greater efforts to achieve true energy independence and to cut down our own imports so as to avoid becoming the victim of this international opportunism.

For the information of my colleagues, I respectfully ask that the text of Marshall Goldman's article of January 20, 1975, be reprinted in this portion of the RECORD:

THE RUSSIANS AND OIL  
(By Marshall I. Goldman)

WELLESLEY, MASS.—We may never unravel who sold how much oil to whom during the Arab oil embargo. Even in what used to be normal times, oil producers and oil companies often hid more than they revealed. During the chaos of the oil embargo, secrecy became even more of an operational code. It has been particularly difficult to decipher what the Soviet Union did in the oil markets of the world during that unusual period.

Now, however, by using a crossword-puzzle approach, it has become possible to fill in some of the heretofore unanswered questions. Such analysis reveals that the Soviet Union was every bit as opportunistic as the most manipulating entrepreneur.

While some Soviet officials actively sought to induce the Arab countries to withhold oil from the West, other Soviet traders hunted

for the most advantageous markets for their suddenly valuable oil. In many instances this meant selling to embargoed countries at prices as high as \$18 a barrel.

Although the Russians apparently were as surprised as anyone by the way oil prices soared after Oct. 14, 1973, it turns out that the Soviet Union was uniquely positioned to take advantage of the situation.

Unlike any of the other industrialized countries, the Soviet Union not only was one of the largest producers of petroleum in the world—it became the largest in 1974—but it produced more than it consumed domestically.

In 1973, the Soviet Union was able to export one-quarter of its total production. While not a member of the Organization of Petroleum Exporting Countries, the Soviet Union was nonetheless the world's fifth largest exporter of petroleum. True, about two-thirds of what the Russians exported went to Eastern Europe and other soft-currency countries, but this was offset to some extent by imports of thirteen million tons from countries like Iraq, Libya, Egypt and Syria, paid for by barter or soft currency.

Because it was both an exporter and an importer of oil, the Soviet Union was ideally situated to benefit from the embargo. On the one hand, the Soviet Union as a supporter and the main armorer for the Arab cause served as an approved outlet for oil from countries like Iraq, which wanted to increase oil output but because of the embargo could not sell it to their traditional customers in the West.

On the other hand, as long as it was discreet, there was nothing to stop the Soviet Union from taking advantage of soaring world oil prices and increasing the sale of its own oil.

When rumors began to circulate about Soviet double-dealings, a writer in the Soviet trade-union publication New Times replied in all umbrage that "oil purchased in Arab countries" was sent with the Arabs' consent only to "other socialist countries."

The Russians may have been telling the truth. However, it is very difficult to segregate one country's petroleum from another's once it enters the international distribution system.

In any case, the Soviet Union has never denied that it sold its own oil to the West during the embargo. Indeed, its hard-currency sales of oil in 1973 were about \$1.3 billion. This was an impressive increase of \$700 million over 1972 sales. Since the physical volume of oil exports in 1973 increased only slightly over the preceding year, the surge in dollar volume was largely due to the fourfold price increase that went into effect only after the start of the Arab-Israeli war in October, 1973.

This in itself is evidence that a significant portion of Soviet oil sales were made in the midst of the embargo. Moreover, because of the high prices the Soviet Union was able to collect, it appears that its main customers in the last quarter of 1973 were the Netherlands, Denmark, West Germany and Switzerland.

Similarly, again in defiance of the spirit of the embargo, the Soviet Union sold petroleum to the United States. Soviet statistics discreetly omit all mention of such sales, but United States statistics show that we bought \$66 million worth of petroleum from the Soviet Union in 1973, and \$40 million of that was delivered during the last quarter of the year—right in the midst of the oil embargo.

Past behavior is not always a guide to the future. Nonetheless, the Soviet Union is prone to placing a higher value on economic needs than political niceties. Because it was in serious need of cash to pay its grain and technology bills, it apparently had no qualms about using O.P.E.C. and the Arabs for its own purposes.

### BASIC FREEDOMS STILL DENIED IN SOUTH KOREA

#### HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. FRASER. Mr. Speaker, Congress in the 1974 Foreign Assistance Act placed a ceiling on military assistance to South Korea in view of the repressive nature of the Park regime. We placed a ceiling of \$145 million for all forms of military assistance to South Korea unless the President reported to Congress that the Government of South Korea had made substantial progress in the observance of international standards of human rights. If such a report were made, the ceiling would be increased to \$165 million.

The following article by Don Oberdorfer entitled "Korean Newspaper's 'Phantom Enemy'" indicates the oppressive tactics the Park regime is using to stifle dissent!

[From the Washington Post, Jan. 20, 1975]

#### KOREAN NEWSPAPER'S "PHANTOM ENEMY"

(By Don Oberdorfer)

SEOUL.—The Dong-A Ilbo, one of the great editorial voices of Asia, is fighting for its life against a phantom enemy, South Korea's secret police.

Beginning in mid-December, major commercial advertisers abruptly cancelled their scheduled ads—first one then another the next day, then a few more, then a host of cancellation notices flooded in. In late December major clients suddenly pulled out of contracts with Dong-A Radio, the paper's electronic subsidiary. By mid-January just about all large firms and countless small ones had withdrawn, reducing advertising revenue by about 60 per cent.

Shamefaced and often-frightened former clients told a soon-familiar story. Company officials had been summoned by the Korean Central Intelligence Agency (KCIA) and ordered to stop their business with Dong-A at once. Many were required to sign written statements that they would not advertise in the forbidden media.

The advertising director of a large textile chain is reported to have been severely beaten and the company president verbally reprimanded when their ads did not stop quickly enough. The same treatment was meted out to a cosmetics company ad director and his president. This firm's staff was then used to notify other companies.

Department stores, banks, large consumer goods manufacturing firms such as General Motors Korea (a 50-50 U.S.-Korea joint venture) and Hyundai Motors (a Ford licensee) were early dropouts from the advertising lists. Officials of government ministries were reported in the campaign—a Ministry of Health official spreading word to pharmaceutical houses, a Ministry of Culture man informing motion picture theaters, an Internal Revenue agent visiting a publishing firm. Several small advertisers who telephoned the newspaper to arrange ads called back to cancel within a few minutes, leading the paper to conclude that a tapping-and-reaction team had been assigned to its telephone lines.

The Dong-A Ilbo was not taken entirely by surprise. This country's largest and most influential daily newspaper, it had consistently dared to be a bit more independent than its competitors since its founding in 1920. The oppressive colonial Japanese suspended it four times, confiscated all copies 489 times

and censored 2,059 items and 73 photographs before shutting it down completely in 1940. Three months after Japan's defeat in 1945, the paper was back stronger than ever, brandishing its original platform of nationalism, democracy and cultural enlightenment—only to meet innumerable trials during the autocratic rule of President Syngman Rhee, the confusion and bloodshed of the Korean War and the recent authoritarianism of military coup leader (later elected President) Park Chung Hee.

The two years since Park seized unlimited power under martial law in October 1972 have in many respects been the most difficult of all, replete with overt and covert censorship by the "computerized dictatorship" of Park's secret police. For more than a year KCIA operatives roamed daily through this country's newsrooms, monitoring and controlling the content and headline size (and often, non-appearance) of sensitive stories. A revolt by young journalists led to defiance of the KCIA ban on news or political dissent and ultimately to removal of agents from newsrooms. The government shifted to "emergency decrees" forbidding dissidence—and the press reporting of it—under threat of long prison terms or even death sentences at the hands of closed courts martial.

Park lifted the decrees last summer under domestic and international pressure, but called for self-censorship by the press on grounds of the continuing threat from North Korea. Last October his agents passed word not to report on student demonstrations, labor union activities or the then-prominent internal dissidence in South Vietnam—and when the "suggestions" were violated, editors of Dong-A Ilbo and of Hankook Ilbo were hauled in for tongue-lashing by the secret police.

Another journalists' revolt erupted against "illegal questioning" and "outside interference." Dong-A reporters adopted a strong freedom of the press resolution and forced a temporary shutdown of the paper until management agreed to publish the statement on page one. Hankook newsmen followed suit. Faced with the impending visit of President Ford, the government backed down temporarily. Korean papers began reporting a bit more freely—though still in a restrained and careful manner.

The Dong-A managing editor was warned in October by KCIA Bureau Chief Lee Yong Taek that authorities possessed an efficient, covert and bloodless way to crack down on unwanted independence—a ban on the advertising which contributes the lion's share of newspaper income.

When the display ad "discouragement" campaign began in mid-December, Dong-A blossomed with big white spaces where the ads were to have been, with newspaper mottoes or freedom of the press slogans tucked away in a corner. At the same time a new type of advertising began to appear—hundreds of press freedom "encouragement" ads of a few lines each by citizens, church and civic groups, high school classes, clubs and others taking the paper's side. Many ads were anonymous for fear of reprisals, but the daring and clever messages quickly became the talk of Korea. Dong-A Ilbo newsstand sales jumped.

"The flower of Dong-A will bloom even if you trample it underfoot," wrote a Seoul National University student. "Why are you afraid of a free press?" demanded a tiny ad signed by initials. A taxicab driver wrote, "I skipped my glass of makkolli (Korean wine) to place this ad." Assistant advertising manager Lee Sok-Yol retrieved a small gold ring left in payment by a junior high school girl who placed an ad saying, "the light is brightest in a dark place." He had it appraised (about \$15), paid the price of the ring into the paper's coffers and placed the

gold band on his finger as a keepsake. "This is my medal of honor, to keep for my daughter until she is old enough to know what happened. She is seven now," he said.

The U.S. embassy bought two display ads in recent days to advertise a USIA magazine and a trade show. Embassy officials say with tight smiles that this is normal practice of seeking greatest exposure at lowest cost, but nearly everyone in Seoul took the ads as a gesture of support. The French embassy, which never advertised in the paper before, bought space to announce a meeting. The Korean Roman Catholic church held a special mass for "freedom of the press" at which priests condemned the suppression. The National Council of Churches of Korea called on Protestants to increase circulation of the paper.

While the "encouragement ads" and extra newsstand sales help the morale of Dong-A Ilbo, they do not make up in financial terms for the loss of commercial advertising. There is no doubt that substantial sums are being lost each day. And as the battle has continued, new difficulties have arisen. Newspaper bundles have disappeared from provincial trains. Police in Incheon and Pusan are reported investigating people who place support ads. The newspaper's senior advertising manager, Kim In Ho, was tailed for a week and then picked up, together with two assistants, by Army investigators.

The ostensible reason was a freedom-of-the-press ad by an anonymous Army lieutenant, presumably a threat to national security because of his sentiment. The three ad men were released after three days of interrogation. They returned to a heroes' welcome from editorial and commercial coworkers who'd stayed at their desks all night each night of their captivity as a gesture of protest.

Officially the government maintains that the campaign is "a business affair between the newspaper company and the advertisers." There is no indication whether Park intends to run the newspaper out of business or whether he will seek a negotiated deal to send the advertisers back in return for editorial silence. Publisher Kim Sang Man has told friends he will not talk to government officials under the pressure of the advertising boycott.

The campaign to throttle Dong-A Ilbo has stiffened the attitudes of its managers and editors as well as the young reporters. They are prepared to see progressive reductions in the number of pages (from the standard eight pages daily) as well as cuts in their pay checks. Some say they will work for nothing, if need be, until the last minute of the last press run.

"Before this happened we were seeking only freedom of the press, to print the news whatever it is," said Hong Sung Myon, the newspaper's senior editor. "Now we also want to keep faith with the people who are supporting us."

#### ELIOT B. FELDMAN TO BE HONORED BY YESHIVA UNIVERSITY

#### HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. WAXMAN. Mr. Speaker, on Sunday evening, February 2, 1975, at the Beverly Hilton Hotel in Beverly Hills, Calif., Los Angeles attorney Eliot B. Feldman will be honored as Man of the Year by Yeshiva University-West Coast Teachers College at the annual dinner of that institution.

Yeshiva University is based in New York City, and is an outstanding nationally famous institution of higher learning. Its president, Dr. Samuel Belkin, is a distinguished scholar. The university's west coast branch was founded in 1962.

Mr. Feldman will be honored for his dedicated efforts on behalf of quality education and his creative leadership in communal and political affairs. Representative leaders of California's civic, religious and political life are scheduled to participate. It is my privilege to join in this tribute.

#### UNCLE SAM: A LITTLE DOWN, BUT NEVER OUT, SAYS JACK WILLIAMS

#### HON. JIM WRIGHT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. WRIGHT. Mr. Speaker, nobody is more acutely aware than those of us in this Chamber today of the magnitude and seriousness of our Nation's economic problems. Gripped by continuing inflation, a worsening recession, and a growing energy crisis, we seem beset on every side by trouble.

But as we strive to come up with solutions to these problems, we should keep things in perspective. As bad as our problems are, this Nation has survived far worse—and ultimately grown stronger for having experienced them.

Nowhere has this lesson been set out more clearly than in a message published in Fort Worth newspapers by my longtime friend and valued constituent, Mr. Jack Williams.

Mr. Williams, a leading automobile dealer in Fort Worth, is an exceptional businessman. With judgment born of an incisive mind and years of experience in the commercial marketplace, he is a man with a remarkable sense of perspective. Jack Williams sees the forest, but he also sees the trees.

He knows that times are bad today, but he knows that even today's bad times are very, very good by comparison with other, darker days. Today America has no breadlines, no Wall Street panic, and our children are not sent to school wearing underwear made from flour sacks.

The message composed and published by Jack Williams has a lesson for all of us. Mr. Speaker, I insert it into the RECORD as it was published by the Fort Worth Star-Telegram, the Fort Worth Press, and the News-Tribune.

UNCLE SAM—A LITTLE DOWN, BUT NEVER OUT  
(By Jack K. Williams)

With all the talk about Recession, the doomsayers are busy at work trying to talk us into a good one. And, it's true that everything is not rosy in our great land.

Unemployment is up, dollar values are down, and inflation is the most popular word in the headlines. All of this is not new to some of us old-timers. Cause we grew up in the Thread-bare Thirties. Concerned, yes. Scared, no. Americans have always used good ole common sense when adversities arise.



Since World War II, America has been on a growth pattern of fantastic proportions. Most everybody seems to "live" a little better than those days of Hunger, Hovels and Payless Paydays of the 1930's. The great Depression was born in October 1929, when "Wall Street Lays an Egg" (the classic headline of Variety Magazine).

Growing up in the depression was certainly no picnic. Shortages of all kinds, mostly jobs and Money! In those days, adolescence was thought of as a childhood disease our parents hoped we'd outgrow. Wearing underwear made from sacks of Bewley's Best Flour, and a piece of carboard in the bottom of the shoe was quite acceptable.

In 1933, we recall that 4,004 banks in this nation went broke to the tune of \$3.5 billion . . . and most depositors wiped out. The same year, 12 to 17 million were jobless. Our population in the mid-thirties was a mere 125,000,000.

The Gross National Product in 1930 stood at \$103 billion. Four years later in 1933, it had dropped to \$55.6 billion. Breadlines were in the headlines in the Industrial Eastern United States, but in Texas, we fared a little better. We were "hit" later, and a little less hard.

President F. D. R. and his New Deal started a series of "alphabet" projects. Like the N.R.A., and the C.C.C., P.W.A. the W.P.A. and dozens of others. The dissenters screamed to high heaven; the A.F.L. and C.I.O. went round and round with the N.L.R.B. The evening meal was usually two 9¢ cents of Campbell's Alphabet Soup.

War clouds in Europe became darker. Our Allies needed help, money and munitions; and Washington asked for payments for old World War I debts; confusion and consternation mounted, while John Doe was still trying to eke out a living at \$1.00 per hour wages. Then it all ended with that day of infamy, Dec. 7, 1941.

The problems of living in a democracy (or any other kind of system) have always been quite complex. We can't recall a single decade in our past 199 years that America has not been in some kind of crisis. Americans fought in a dozen wars (big and small) somehow survived numerous Recessions (which seem to occur about every 20 years) . . . and we can't see how our problems in 1975 are any more earthshaking than those encountered by our forefathers.

Yes, the American Dream has dimmed a bit . . . but, then our great land of the free was never designed to be Camelot. Let's take the bull-by-the-horns and get-with-it.

There are many safeguards we have now that we did not have in the depression years. Like—4,804 Savings and Loan Associations in America which have \$240 billions on deposit. And it is insured. We have unemployment insurance and supplemental payments to idle workers . . . plus billions more in Social Security and private pension plans . . . a very nice safeguard that pours money into the hands of oldsters so that they are not totally dependent upon their children, as was the case in the 1930's.

Our greatest asset is our enduring faith in America! Here's a quote from Rep. Wm. S. Cohen, R/Maine, a member of House Judiciary Committee, who commented recently on the year 1974: "I think 1975 is going to be a better year than what we've just been through. Thomas Jefferson once said—The Storm that we've just passed through proved that our vessel is indestructible".

"Life, Liberty and the Pursuit of Happiness" is ours, according to the Declaration of Independence and the Constitution of the United States . . . we find no indication that our forefathers had ever promised us a rose-garden!

Doomsayers have been practicing their art throughout recorded history . . . from the

Sixth Chapter of Genesis to today's fallible forecasters, who drop the word that we are on a collision course with Doomsday. We don't believe that.

Let's not forget the basic strength of the American people and the American Economy. Both have proved to be remarkably resilient and creative, all these past 199 years!

Teamwork is needed. Let's salute—"What's Right With America"; 1975 will be a year of adjustments, with many challenges and sacrifices. But then, Americans have always risen to the occasion in times of difficulty.

Let's think positive, buy something if you need it, help keep free enterprise moving . . . we can cut inflation down to bite-size.

Ole Uncle Sam, who is sometimes down, is never out!

#### RENEW FUNDS FOR ARTIFICIAL HEART PROGRAM

### HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. PEYSER. Mr. Speaker, in 1972, 752,450 American citizens died from diseases of the heart. As I am sure you are aware, this makes heart disease the No. 1 cause of death in the United States. In the same year, another 3,466,000 Americans were forced to limit their activities because of heart conditions. I know all here will agree that efforts must be made to reduce these figures. One such effort is being carried out by the Atomic Energy Commission in the form of the development of a nuclear powered artificial heart organ to be eventually implanted in the human body.

This program, scheduled to be completed in December 1976, began in 1971 and has been making steady progress ever since. All timetables have been met; all plans have proceeded smoothly. To date 65 percent of the program has been completed, including a working bench model system, and efforts are now underway to produce a version suited for calf-implantation. In addition constant contact is being maintained between this program and the National Heart and Lung Institute to insure that efforts are not being duplicated. As it is now, their work is well coordinated. The two organizations are scheduled to consolidate their programs in December 1976.

Yet despite the importance of, and the progress in the program, it is being terminated because of a deferral of \$5 million that has previously been authorized and appropriated for the artificial heart program.

This seems to be an unwise decision. To date, approximately \$11 million has been spent for nearly 4 years of work. We are on the verge of receiving the rewards of this tremendous effort. Instead the deferral of \$5 million will in effect negate the work done. It is not necessary to enumerate the benefits a working artificial heart system will have for all mankind.

We cannot ignore the progress that has already been made in the program, nor can we ignore the potential that the artificial heart offers.

It is up to us in Congress to insure that this program is not terminated. Therefore, I urge you to adopt the following resolution, which I have introduced today as swiftly as possible:

*Resolved*, That the House expresses its disapproval of proposed deferral D 75-115 as set forth in the message of Nov. 26, 1974 which was transmitted to the Congress by the President under section 1013 of the Impoundment Control Act of 1974.

#### PRESIDENT ROEBUCK ADDRESSES THE VIRGIN ISLANDS LEGISLATURE IN A STATE OF THE TERRITORY MESSAGE

### HON. RON DE LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. DE LUGO. Mr. Speaker, I wish to call the attention of my colleagues to the recent election of my good friend, the Honorable Elmo Roebuck, as the new president of the Virgin Islands 11th Legislature.

Many of you have already had the opportunity of meeting Senator Roebuck while visiting the islands in the past, particularly those serving with me on the Interior Committee. Hopefully, the future will bring similar opportunities to even more of you.

A dynamic and progressive legislator, Senator Roebuck's election as president in only his second term in office attests to both his demonstrated ability and the respect he has gained in so short a time. A former Commissioner of Housing and chairman of the Finance Committee, his broad legislative and administrative experience gives him solid preparation for the responsibility he will now undertake.

Upon the convention of the 11th legislature earlier this month, President Roebuck addressed his colleagues in a state of the territory message. I was most impressed with his speech and the goals which he announced for the legislature. I hope to share this important speech in its entirety with you over the next few days. First, I would like to share with you the following editorial reaction of one of our leading journals, the St. Thomas Daily News:

#### SETTING HIGH GOALS FOR THE LEGISLATURE

Monday morning's opening address by the Senate President to the newly convened Eleventh Legislature set high goals for the Virgin Islands' lawmakers. It contained a fairly accurate assessment of the problems confronting us, on the global and national as well as the local scene, and pointed the way for the legislators to confront them in a statesmanlike and responsible manner.

After reviewing the external factors affecting the islands economy, the Senate President directed himself to the internal problems ahead of us—particularly the threat of a minimum \$16 million deficit for the fiscal year ending June 30. The senator pointed out that "efficient and effective" use of revenues is the major function of the Legislature, for it is "only" through the legislative branch that budgets can be approved and spending authorized, and called for the establishment of a special accounting staff to give the Senate greater control and knowledge in fiscal matters.

The Senate President directed himself to the essential work of reviewing legislation, and proposed that committees prepare written reports from both minority and majority members on proposed legislation. He also urged the development of greater professionalism in the senatorial process by ensuring that the bulk of its sessions are concentrated between the submission of the budget and the beginning of the new fiscal year on July 1, rather than being sprawled throughout the year as in the past.

On specific proposals for legislation, the Senate President urged the Legislature to consider ways to develop increased rum sale revenues, stimulate tourism, develop an industrial incentive program that does not require the setting up of an autonomous corporation, earmark land for light industry, and encourage the development of scientific facilities in the islands. He particularly noted there has been "sufficient study" of proposals for improved seaport and airport facilities on all three islands, and called for the Port Authority to submit definite plans for legislative approval prior to the end of the present fiscal year.

The Senate President also focused on the need for an improved court system and upgraded police force, as well as a more practical and useful education system. In the latter area he encouraged a greater role for the Board of Education and urged consideration of the 12 month school year, open classrooms and "classrooms without walls" in which the community itself serves as a classroom.

The goals set forth by the Senate President are high and lofty ones, and if realized by the Eleventh Legislature it will have met his challenge to become known as a "do-SOME-THING" Legislature. Rising to that challenge may prove difficult, but it can be done provided that the legislators and all concerned live up to these words in Senator Roebuck's address:

"What is needed at this critical time in our history is the dedicated and enlightened leadership of the three branches of government, working together with the private sector and the people of the Virgin Islands to move us forward once again."

#### THE MARTIN LUTHER KING, JR., NATIONAL HOLIDAY BILL

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. CONYERS. Mr. Speaker, I am again introducing legislation which would designate January 15, the birthday of the late Dr. Martin Luther King, Jr., as a national holiday. With steadily increasing national support, I am joined by 94 of my colleagues from both sides of the aisle in this effort to honor his life and work. The bill's first introduction followed Dr. King's tragic assassination in April of 1968, and it has been reintroduced with a large cosponsorship in the 91st, 92d, and 93d Congresses.

Several States, including Colorado, Delaware, Georgia, Idaho, Illinois, Maine, Michigan, New York, Tennessee, Washington, and the District of Columbia officially honor Dr. King, as do innumerable municipalities and local governments. Millions of individual citizens have signed petitions demanding a day of reverence in his memory. Thousands of Federal employees attend quasi-

official ceremonies in the Washington area, and crowds throughout the country appropriately took the occasion of his birthday to appeal to the Government for the ability to earn a living. On this January 15, I joined in a march around the White House which, with the inspiration of King's memory, demonstrated support for urgently needed legislation creating the Federal Government as the employer of last resort.

We seek to set one day aside in the honor of Martin Luther King because we believe his example to be of singular importance to our country. The magnitude of his contribution cannot be questioned. He lived and died by his personal conviction that injustice anywhere is a threat to justice everywhere. He was a man of altruistic but pragmatic wisdom, as his words so eloquently testify:

Power without love is reckless and abusive. Love without power is sentimental and anemic. Power at its best is love implementing the demands of justice. Justice at its best corrects everything that stands against love.

His struggle for justice was persistent and peaceful, as was his continued dedication to the goals of the brotherhood of man with true freedom and equality of opportunity for all our citizens. In recognition of his monumental work, Dr. King was awarded the Nobel peace prize in 1964, an honor rarely bestowed on humanitarian activists.

Dr. King's tireless activities in both the North and South were largely responsible for the landmark civil rights legislation of the sixties. For example, his campaign in Selma, Ala., for the guarantees of voting rights contributed significantly to the adoption of corrective legislation in the Voting Rights Act of 1965, which must be extended this year. Enactment of the Civil Rights Act of 1964 and 1968 were also partially the result of Dr. King's dedicated and selfless efforts. Even his final effort—the poor people's campaign—symbolized the hopes of many and helped bring the neglected plight of millions of impoverished Americans into sharp public focus. He could not believe that the "treasury of justice" was empty, and constantly said "we will not be satisfied until justice rolls down like water and righteousness like a mighty stream."

He and his equally courageous wife, Coretta Scott King, were among the first to actively oppose the illegal war in Indochina, rightly challenging its immoral adventurism. He clearly understood the contradiction of our sending young men to combat after teaching them as children to resolve their differences by reason and nonviolence. Not only did he call for a total withdrawal of U.S. soldiers from South Vietnam, he talked of the need to withdraw from a mentality which resorts to violence to solve human problems. He taught that this militarism, so clearly evidenced by the bloated and swelling defense budget, fosters much of the economic and social illnesses now crippling the country.

By standing up to racism and government lawlessness, Dr. King forced us to recognize the enormous gap between reality and the American ideals of equality and equal opportunity. He described

a pervasive system which offers crumbs to the poor while refusing to eliminate the circumstances perpetuating their poverty. Through him, we came to realize that the inherent fault lies not with the poor, but with an affluent society which exploits and consigns them to desperation.

When his life was interrupted, we said we would see that the work he began and the suffering he endured would not be in vain. We said that the people he led would not be abandoned, and the love he lived would be returned. But, when we make an honest review of what has been done and not done, it is painfully apparent that the conditions which Dr. King valiantly struggled against are still existent, some having been cosmetically treated but not surgically removed.

With crime and despair haunting our streets and neighborhoods, we marched for decent housing for our citizens. Yet 17 percent of black housing units still lack some or all plumbing facilities, and 19 percent of black households still live in crowded conditions. Fifty-eight percent of the average black family's income goes to rent, compared to 35 percent for white families, while the Federal Government spends the \$1 million required for 66 low-cost houses on one "Huey" helicopter instead. Fifty million dollars of the funds we appropriated for housing programs in 1972 was impounded, but that same sum flowed unimpeded to the Pentagon for the purchase of three aircraft. Twenty-two percent fewer units of housing are being built this year than 25 years ago, despite a population 39 percent higher and a GNP 14 percent greater than in 1950.

We carried banners for universal quality health care, but national health insurance legislation is unattended and the average life expectancy for blacks remains over 7 years less than for white individuals. The maternal and infant death rate for blacks is nearly double that of whites, yet \$2.3 billion of our money went, not to erase the 1972 Federal health budget deficiency, but to cover the cost overruns on aircraft and tank production. Blacks die from specific diseases nearly twice as often as whites, while funds cut from training health personnel built the Navy another destroyer and destroyer escort.

We prayed for the elimination of hunger in this country, but were met with empty hands, while the funds which would achieve hunger's disappearance have fueled the C-5A airplane program. The poor are often forced to spend up to 50 percent of their meager income on food, while food stamp allotments shrink continuously and the prices of staples such as dried beans have tripled in a year.

We declared war on poverty, the basic social malaise and root of these other ills, and yet over 27 million Americans still live below the poverty line. The amount necessary to bring every poor American above this line remains unspent, while plans go forth for an equal expenditure on the B-1 bomber.

Data further illustrating this deplorable state of the Nation's people is plentiful but unneeded proof that Dr. King's goals remain beyond the horizon, and the



sacrifice of our people's general welfare to the national security continues in ever increasing magnitude. Worse, the progress made in the sixties is in danger of being eroded by our worsening economic crisis. Acknowledged advancement in income, housing, employment, and health care soon may be dissipated. Those most recently on the payrolls are inevitably the first to be laid off: Strained city budgets dictate cutbacks in public education, health services, housing assistance and other essential community services: And college students relying on scholarships face shrinking endowments and contributions to their universities.

Many who formerly marched for peace, integration, and voting rights now stand in the cold demanding jobs, and, as usual minorities comprise a large percentage of the current record number of unemployed. Further damaging setbacks are expected, since the administration has been proposing that we decelerate the very programs which are aimed at insuring an adequate standard of living and quality of life for all Americans.

By following the example of Coretta King, Jesse Jackson, Ralph Abernathy, and the many other compatriots of Dr. King who are fighting for his ideals, we must continue the battle to end oppression, deprivation and racism and give new life to the philosophy which is supposed to guide our Nation. Fortunately, there are men and women who are answering the fervent cry for a continuation of the kind of leadership stirred by the powerful dignity of Dr. King. Without a national devotion to the aims inspired by that leadership, we cannot bring an end to the problems of our society. The meaning that Dr. King's life has for each of us is that we should use our power not to create conditions of oppression that lead to violence, but conditions of hope that lead to peace. We cannot ignore the significance of that one magnificent life.

Ibsen once remarked:

I hold that man is in the right who is most clearly in league with the future.

And that man is Martin Luther King. We need a reaffirmation of our intent to continue his struggles, a day for all Americans to pause in honor of his life and contributions to mankind. We should pause, not only in respect, but also to evaluate our successes and failures in striving for the goals he set for us. To establish his birthday as a day of national recognition is an excellent way to make those assessments. However, we must not allow the designation of a national day of reverence to become the only way we continue with his plans. We must resolve to eliminate bitterness and hate from our struggles. He told us:

Hate is just as injurious to the hater as it is to the hated. Like an unchecked cancer, hate corrodes the personality. Hate is too great a burden to bear.

As elected Representatives of this Nation, I hope that we would indicate our support and esteem for Dr. King by designating him as the first black American to be honored with a public legal holiday observance. For the Congress to commemorate the birthday of Martin

Luther King would be a gesture commensurate with the respect which he commands throughout the world. Let us truly celebrate his strengthening of the humanitarian ideals which alone will insure the permanence of our society. Let us make real his vision—

That the dark clouds of racial prejudice will soon pass away and the deep fog of misunderstanding will be lifted from our fear-drenched communities, and in some not too distant tomorrow the radiant stars of love and brotherhood will shine over our great nation with all their scintillating beauty.

I here insert both the text of a WMAL radio editorial in support of this legislation, and a particularly appropriate essay by Nikki Giovanni appearing in the February 1974 issue of *Encore* magazine: [WMAL AM-FM-TV editorial, Jan. 15, 1975]

DR. MARTIN LUTHER KING, JR., 1929-68

Today is the birthday of Dr. Martin Luther King, Jr.

Martin Luther King, Jr. was with us but 39 years. Yet in those 39 years he affected more lives than most presidents or potentates. But more than changing lives . . . Dr. King changed attitudes which had remained frozen for centuries.

Instead of fading with the years, the legacy of peace and brotherhood that was Martin Luther King, Jr. intensifies with the passage of time. This is indeed the sign of greatness.

Representative John Conyers of Michigan today presents a bill that would make January 15, the birthday of Dr. King, a national holiday. It is only fitting that this great man should be so honored.

WMAL Radio 63 backs Mr. Conyers' proposal and we urge Congress to give the bill its full support.

January 15, 1929 was an important day for all Americans. It should be a national holiday to be celebrated by all Americans for generations to come.

[From *Encore* magazine, February 1974]

MARTIN LUTHER KING JR.: A DIFFERENT DRUMMER

Had the Reverend Martin Luther King Jr. been a spaceship he would have been petted and pampered, studied and protected, as this nation is very much inclined toward the worship of mechanical devices. But mankind is the last frontier.

Had Martin Luther King Jr. been a diamond mine the very best engineers would have visited him to test and probe, concretely but gently, the worth of the gems within and the means for their extraction. But the spirit of man's soul is the precious essence we are seeking.

Had Martin Luther King Jr. been a medical scientist advocating vivisection, heart and head transplants, and the injection of live deadly virus into human subjects, this nation would have hailed him for his innovative thinking, awarding him grants and degrees. But a new vision of man's worth was his goal.

Martin Luther King Jr. was just a man. To be just a man—not a football player, not a used car salesman, not a movie star or a politician seeking deals to stay in office—to be un-White, not insensitive, and not dumb or unhelpful, made Martin Luther King, to many, an object of scorn.

The difference between the ages of one and ten is the difference between total parasitical dependence and the first glimmer of understanding that you are the only person inside your skin. The difference between ten and twenty is the difference between juvenile and adult, boy and man, innocence and responsibility.

A nation's growth cannot be judged by an individual's growth. Yet there are parallels.

In 1953 nothing but his private dream told Martin Luther King Jr. that he would become a bellwether for his people.

Many were sure that Thurgood Marshall would win the *Brown v. Topeka* case, but few were sure what that would mean—perhaps that some youngsters would have a chance to go to better schools. The decision came down from the Supreme Court 9 to 0. There were no dissenters. In our innocence we thought we had reached a pinnacle.

Then we discovered that we could not just bring our hopes, our dreams, and our innocence to America. Hopes without power are meaningless, dreams without aggressiveness are frustrating, innocence after four hundred years in the most technical society in the world is unacceptable, perhaps even itself a form of evil. Watching the world watching America, the Black giant began to stir.

Rosa Parks, an elderly, polite lady who worked as a seamstress, one evening on her way home said "No." No is the first word a baby learns that he discovers is a control. "No, I shall not move." A tyrant hates the word no more than any material, verbal, emotional, or financial situation he may have to deal with. No means there can be no deal. When a people say no they are not only feeling, they are thinking; this combination is always a big problem to tyrants. No. It is wrong that I move. Which means Yes, it is right that I sit. I will not move, Rosa Parks was arrested.

In 1955 the people wanted a leader. As in tribal times in long ago Africa, a voice was sought to take our demands to the King. Had we lived in different times we might have created priests to entreat the gods for us. Had we lived in a different country we might have sought the oracles to divine the meaning of the signs, or spiritualists to prepare the proper sacrifices. But because we lived in 1955 in America we sought a preacher who had enough book learning and soul to once again demand of the state: Let My People Go.

A leader was sought to petition the gods for strength and to beg the worldly powers for relief. King raised his voice for redemptive love, offering his body as perfect sacrifice. He was chosen.

It has been true of all presidential elections since Blacks were emancipated and to some degree enfranchised, that when Black people pick or reject a leader they are essentially correct. Leadership that is good for Blacks is *prima facie* good for the majority of the country, as has been proven from the Black people's love of Lincoln to the Black rejection of Nixon. Montgomery Blacks created a leader who, like his White counterparts of the age, was more than just another man; he was a personification of the soul of mankind. He was a symbol—and a cymbal—of a new time, a different drummer.

The nation embraced King either in love or in fear after the successful completion of the bus boycott. King moved his family back to Atlanta, where he had been born, and headed the Southern Christian Leadership Conference. The SCLC was father to the now defunct Student Nonviolent Coordinating Committee.

Martin Luther King Jr. presided over the last great testimonial of faith at the 1963 march on Washington. On the preceding day W. E. B. DuBois had died in Ghana. Ten years later King's faith was still unrequited, and the struggle had touched everyone, in several unexplained assassinations from John Kennedy and Robert Kennedy to Hale Boggs, the shootings of Stennis and Wallace, and the deaths of Nkrumah, Krushchev, Allende, Malcolm X, various witnesses, small people and large people—if they were in the way of the great streamroller, they were either mowed down or defoliated.

"I have a dream," King's voice resounded to over a quarter of a million people who

went to Washington to testify. "I have a dream this morning," he echoed. "Not yesterday or tomorrow, but right now." And why should King not dream? "I have a dream today that one day We Shall Overcome."

Did he dream that ten years after the march and five years after his death we as a people would have fallen so low? Did he die to affirm the right of our college students to flunk out of school because "it's so hard"? Did he dream that the Black crime rate against Blacks would almost triple in ten short years? That our jail population would be 80 percent of all people incarcerated—not for nonviolent or even violent militancy, but for mugging, robbing and raping our own people? It's difficult to think that Rap Brown went to jail, that we buried Malcolm X and Martin Luther King for the right—in New York City—of Black people to be murdered by Black people at the rate of 48 out of every 100,000 of population, while comparably, only 28 Spanish-speaking people murder each other, and only 6 Whites are killed by other Whites.

"I have been to the mountain top," King declared on the eve of his death. But too many of us haven't yet begun to rise from our self-deception and self-hatred. Ten years isn't a long time and five is half of that, but we as a people can no longer afford to indulge in our fantasies about our origins or our future. We would like to think we are the future; perhaps either way we shall be. The history of the past twenty years shows that we are a strong, courageous people willing to apply our minds, our bodies and our souls for our financial, political, and spiritual liberation. We have had men—real flesh and blood men—in our recent past who made "dedication" an active rather than a passive noun. We have a choice. Malcolm X and Martin Luther King knew that one individual who stands up to say *yes* or *no* can make a difference. That is why they stood.

The legacy of King is not necessarily non-violence or redemptive love, but it is the belief that if we act, and act positively and in good faith for the good of our people, we can change the direction of the sun to make it shine on us.

#### ANOTHER CAMP SEASON COMING

#### HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. DOMINICK V. DANIELS. Mr. Speaker, another camp season is approaching and once again millions of parents will be sending their children to camps which they usually know very little about. Often, their only information is that which is found in the brochures distributed by the camp operator. It is usually impractical for a parent to visit the camp beforehand and even when that is possible, an untrained eye cannot find the problems.

With very few exceptions, State laws relating to camp safety are grossly inadequate. Only 6 States have comprehensive youth camp safety legislation: California, Colorado, Connecticut, New Jersey, New York, and Texas.

It is ironic that while we have legislation to protect our wildlife and animals used in research, we still have no laws to protect our children in summer camps.

We cannot let this injustice exist any longer. For that reason, I have again in-

troduced the Youth Camp Safety Act, now H.R. 46, which would set up minimum Federal standards to protect campers everywhere. Today, I am putting in the third bill, bringing the number of cosponsors to well over 60.

It is our duty to act now and protect our Nation's greatest resources, our children. We must pass this legislation, summer is growing close and we can wait no longer.

I was very pleased to read Bill Gold's column in the Washington Post today and would like to submit it for my colleague's consideration.

The text of the article follows:

[From the Washington Post, Jan. 21, 1975]

EVEN THE CONGRESS WEARIES OF DELAY

(By Bill Gold)

It sometimes appears that the United States Congress has an infinite capacity for procrastination.

As times change, need for new legislation arises. Public opinion takes form, and hardens. Legislation is introduced in response to constituent demands for action.

Then nothing happens.

There are delays built into the legislative process, and rightly so. Proposals for change may have an adverse effect on some citizens. Those who will be affected deserve a right to be heard before the Congress acts.

The trouble is that, in practice, those who oppose new legislation are heard, then heard again—and again and again. They block action for seemingly endless periods of time.

When the legislative proposals that are thus thwarted are progressive and clearly needed, long delays try the patience of those who believe in the democratic process. When it becomes clear that good legislation is being backed by an overwhelming majority and is being frustrated by a tiny minority with a pocketbook interest in the matter, endless delay becomes intolerable.

This is approximately the status of the Youth Camp Safety Act at this moment.

The need for such legislation was brought to the attention of the Congress many years ago. Some of the camps to which parents send their children are well run. Safety rules are carefully observed. Camp counselors are screened to make sure they have the maturity, training and judgment that qualifies them to oversee the activities of inquisitive youngsters. Swimming, boating, woodcraft and shooting are taught with due regard for the safety of the children.

Other camps are not so well run. Fireproofing costs money. Maintenance and replacement of equipment cost money. It is cheaper to cut corners than it is to give first priority to the safety of the children.

So it has come to pass over the years that many children have been injured and killed in youth camp "accidents." When an inexperienced 16-year-old "counselor" takes boys out into white water in a canoe and drowns them when the canoe upsets, that is regarded as an "accident." When a 15-year-old "counselor" takes boys out on the firing range and a camper is shot because of the careless handling of a weapon, that is also an "accident." When faulty electrical wiring causes a fire in which children lose their lives, we are told that "these things happen in private homes, too."

Those who have been urging the Congress to adopt youth camp safety legislation have advocated that standards of safety be set, and that the various states be encouraged to enact their own safety programs based on the federal standards.

Responsible operators of youth camps were quick to see that these proposals are fair, in the public interest, and in the long run in the interest, too, of those who operate youth camps. With federal and state governments alert to the problem and actively

working to safeguard young campers, more parents would feel safe in permitting their children to attend a camp.

So the Youth Camp Safety Act has been supported by the Girl Scouts, the Boy Scouts, the American Camping Association, the National PTA, the National Safety Council, and a host of other respected organizations.

But it has gotten absolutely nowhere in the Congress.

Why? Because a few camp operators—those who feel safety standards would force them to change their present mode of operation—have contributed to the campaigns of a few congressmen who have thereafter taken pains to block youth camp safety legislation. It is as simple as that.

When the 94th Congress convened a few days ago, Rep. Dominick V. Daniels (D-N.J.) reintroduced the Youth Camp Safety Act. It was cosponsored by long-time supporters Rep. Marvin L. Esch (R-Mich.), Rep. Peter A. Peyser (R-N.Y.) and 47 other members of the House from both sides of the aisle.

A select subcommittee held hearings on the bill in the 90th Congress. More hearings were held in the 91st Congress. Opponents were heard again in the 92d Congress. And when calls for action were voiced in the 93d Congress, it was decided to hold more hearings.

But even the Congress eventually wearies of these exercises in futility. Subcommittee Chairman Daniels says:

"We do not intend to hold any more hearings on this bill. The need has been proved. We have a responsibility to protect our children, and I intend to have this legislation enacted before the camping season."

Is Rep. Daniels overstating the case? Judge for yourself. Among the 50 states, 22 have no regulations whatever relating to youth camp safety. If you want to, you can hire convicted sex offenders and drug addicts as counselors.

An HEW study made last year showed that 45 states have no regulations regarding camp personnel; 24 have no health regulations that apply to youth camps, nor any requirement for medical services—not even first aid. Transportation to and from camp is covered by legislation in only five states; 45 leave that area of activity wide open. Camp operators can hire drivers convicted of reckless or drunken driving if they want to.

Yes, the need exists, and parents have been waiting so long for this simple legislation that pressure for action is building up. My guess is that there is a good chance the House will pass the bill, and that the Senate may even bestir itself and pass a bill. But parents should not be misled by developments of this kind.

The real test will come when the two bills go to "conference." At that point, a quiet knife in the ribs can—and often does—kill legislation.

All the great statesmen who voted "aye" can tell their constituents they did their best. But the fact will remain that the Congress has failed in its responsibility to safeguard the interests of the people.

This time around let's zero in on the foot-draggers and make sure we know whose interests they're representing—and why.

#### FORD INTRODUCES LEGISLATION

#### HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. FORD of Michigan. Mr. Speaker, today I am reintroducing legislation to give locally elected school board officials a voice on the Advisory Commission for Intergovernmental Affairs—ACIR. Once



again I am joined by my colleague the distinguished gentleman from New York (Mr. PEYSER) in this effort. We first introduced this legislation 3 years ago, in 1972.

As presently constituted, the ACIR consists of 26 members—three of which are appointed from the Senate and three from the House of Representatives. The remaining 20 are appointed by the President as follows: three must be officers of the executive branch and three must be private citizens; four are appointed from a panel of at least eight Governors submitted by the Governor's Conference; three are appointed from a panel of at least six members of State legislative bodies submitted by the Council of State Governments; four are appointed from a panel of at least eight mayors submitted jointly by the American Municipal Association and the U.S. Conference of Mayors; and three are appointed from a panel of at least six elected county officers submitted by the National Association of County Officials—representatives from the whole spectrum of governmental units—with the exception of school boards.

A primary activity of the Advisory Commission on Intergovernmental Relations is to evaluate general revenue sharing payments for the Federal Government. It is estimated that approximately \$120 million in general revenue-sharing funds are spent on elementary and secondary education each year. It therefore seems logical that educators from local school districts should be represented on the ACIR.

The legislation which we are introducing today would accomplish this—by giving locally elected school officials a voice in the Advisory Commission on Intergovernmental Relations.

We urge our colleagues to give this legislation the favorable and prompt consideration which it deserves. By adopting this bill we will be extending the same privileges to elected school officials that are now enjoyed by elected officials from virtually every other level of government and we will be making the Advisory Commission on Intergovernmental Relations a more effective advisory body as well.

PATRICIA C. HOLT: LAWDALE'S  
WOMAN OF THE YEAR

HON. CHARLES H. WILSON  
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES  
Thursday, January 23, 1975

Mr. CHARLES H. WILSON of California. Mr. Speaker, "What do we live for, if it is not to make life less difficult for each other?"—George Eliot.

Honored as Lawndale, Calif.'s, Woman of the Year on January 17, Patricia C. Holt has an impressive background of community service. Ever since she moved to Lawndale 18 years ago, she has devoted herself to the betterment of life around her. From her first experience as an active member in her children's school PTA, she has found time from

her real estate business to become involved in virtually every aspect of civic service.

One of Mrs. Holt's prime concerns has been improving the quality of health care, and she has served as chairwoman of the Diabetes Clinic, the Nurses Scholarship for El Camino College, the Red Cross, a Christmas party for retarded children, the Cancer Society, and the March of Dimes. The roster of her other activities comprises almost the entire spectrum of Lawndale community life as she is a member of the Lawndale Democratic Club, YMCA, Breakfast Club, Chamber of Commerce, Citizens Goals Committee, and Picnic Committee.

In 1965, Pat was elected first vice president of the Lawndale Women's Club, a post in which she so excelled that she was elected president in 1966. Again, in 1973 and 1974, she was voted president of this organization. Always concerned that women play an active role in civic affairs, she has served as chairwoman of commissions on family living and the status of women.

The Great Western Savings and Loan recognized Pat in 1973 with a Civic Achievement Award for the outstanding woman in community service. And, because of Pat's efforts to beautify the city of Lawndale, last year she received a Certificate of Merit Award in honor of her efforts to make Lawndale a better place to live.

Devoted to her family and therefore understanding of the needs of young people, Pat has helped high school students who need counseling to seek help through the Lawndale Community Center. And she is now in the process of adopting a teenage girl who is without a home.

Because Pat has been generous with her time, talents, and money to work for the greater good of the community, she is well deserving to be named Lawndale Woman of the Year. Pat Holt is a living example that "charity—is love in action."

#### RESPONSE TO THE STATE OF THE UNION MESSAGE

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES  
Thursday, January 23, 1975

Mr. UDALL. Mr. Speaker, last week we gathered to hear the President's report on the state of the Union, and his legislative program for the 94th Congress. Like all Americans, I was hopeful that my friend and former colleague would offer us a sensible, progressive plan for attacking the demons that plague our Nation.

While I found some specific points on which I could agree with the President, I conclude with regret that, overall, his grand design is a design for failure, one which would yield growing unemployment, deepening recession, and a self-inflicted inflation of staggering proportions. His proposals would bring chaos in the short run and, I fear, collapse in the long run.

But criticism is cheap. The people de-

serve more of their Congress than an echo of the Executive, but they also deserve more than an assembly of carping spectators. Therefore I offer today a specific, constructive response—a program for the country that can work, that can turn the United States in the direction of prosperity and stability.

The foremost fact we must face is that the absolute prerequisite to economic recovery is substantial and immediate energy conservation. We import nearly 40 percent of our fuel, and the proportion, as well as the absolute quantity, is still increasing. The President's stated goal—reducing oil consumption by 1 million barrels a day this year—is simply inadequate, representing only 5 percent of our oil consumption and just 3 percent of our overall energy demand. The harsh fact is that we must double this cut—save 2 million barrels per day—if we are serious about moving toward stability.

But how can we achieve this? The President has chosen a clumsy, unjust, and economically disastrous route. He would force energy prices sky high, then have the Government turn its back on the problem and let the forces of the marketplace cut energy use across the board. Wasteful and essential uses, uses which create jobs and those that do not, economically crucial uses and totally dispensable ones: All will be affected without any regard to economic consequence.

Let me detail what this means to each American—what the picture would look like if the Congress enacted all the President's proposals:

The price of gasoline would rise at least 10 cents a gallon. That is an increase of 20 percent;

The price of electricity would rise by at least 15 percent;

The price of home heating oil would go up 20 to 25 percent, depending on the region;

The price of decontrolled domestic crude oil would more than double, rising from the present \$5.25 a barrel to the \$10 uncontrolled level, with a \$2 excise tax on top of that; and

The price of decontrolled interstate natural gas will soar to many times the current level—no one can predict exactly how high—with a new excise tax on top of that.

The President's program would raise the Nation's energy bill by \$40 to \$50 billion annually. His tax package—including the inadequate windfall profits tax—would recapture only \$30 billion of that, with the rest—up to \$20 billion—remaining in the hands of the energy suppliers.

We need a totally different approach.

First, we need gas rationing. We have skirted the issue long enough. Every economist has a different guess as to how much the President's price increase would save, and we all know that the real burden would fall on those least able to afford it. Rationing is cumbersome; it is a headache. But it can be made to be fair, and more importantly, we know that it will do the job.

Second, we must enact immediate, mandatory energy efficiency standards for industry. The Department of Commerce has concluded that as much as 30

percent of the energy used in industry is wasted and could be eliminated quickly and without loss of jobs.

Third, we must enact an appliance efficiency labeling law, appliance performance standards, and tough thermal standards for new buildings as the President proposed—these I applaud. To this package I would add a new utility pricing system which rewards rather than discourages energy conservation. I would also urge a program of federally guaranteed loans to provide the necessary cash for home energy conservation improvements instead of the tax credit proposed by the President. Finally, Government and industry must cooperate to find a way to improve automobile fuel economy by 40 percent by 1980, and to do it without postponing the emission control standards set by the Clean Air Act. The industry's own 1975 emission control devices demonstrate undeniably that emissions can be controlled without decreasing fuel economy.

I recognize, as does the President, that ending energy waste is not enough. We must expand our domestic energy sources to meet the inevitable rise in demand that will come with the end of the recession. But, where the President's conservation goals are too modest, his production goals are excessive and unrealistic. He ignores land shortages and siting problems, severe water shortages in the West, the overwhelming environmental problems associated with oil shale development and the many serious problems which must be solved before nuclear energy can be depended upon. Above all, the President ignores the enormous burdens such development would place on our already overstrained capital market.

I believe that the President and Congress must put the emphasis on cutting the rate of growth of energy use, rather than climbing back onto the old treadmill, trying to satisfy an unrestrained appetite for cheap energy. Nearly a year ago I introduced legislation to make an explicit commitment to cutting the rate of growth from nearly 5 to 2 percent per year. Since then, two major studies, the Ford energy policy project and the Government's Project Independence blueprint, have concluded that such a limited rate of energy growth can be achieved without economic harm. It is time to stop deluding ourselves, to stop thinking we can bring back the good old days of cheap and abundant energy. They are gone—at least for a generation—perhaps forever—and we must adjust our habits accordingly.

A sound energy program is the biggest single step we could take toward renewed prosperity, but it must be coordinated with a full range of economic measures. Here again the President's program, despite some admirable features, is ultimately misdirected.

The flat 12-percent tax rebate—with a \$1,000 ceiling—is welcome, of course, but unfair. We need instead a scaled, progressive program of rebates that will return the most money to those least able to withstand the crippling effect of inflation, rather than the other way around. This is not only more socially

just, but it will exert far greater leverage for economic recovery.

The President also proposed a ban on new Federal spending programs. Such a decision would be unrealistic and shortsighted. New programs specifically designed to meet the challenge of serious recession compounded by continuing inflation will be necessary. For example, Congress should consider a large-scale public works effort to rebuild the Nation's railroad system, providing jobs, stimulation to construction industries, and returning its most energy-efficient component to the Nation's transportation system.

Some of the costs of these programs can be recouped through the elimination of some major tax loopholes. The time for a thorough reform of the Federal tax structure is long overdue, and action now could go far toward righting the inequities of our current economic difficulties. I would propose an end to the oil depletion allowance, a windfall profits tax stiffer and more comprehensive than that proposed by the President, tighter tax treatment of foreign income, an end to export subsidies, and the abolition of preferences which benefit only the very wealthy. In addition, we need energy conservation excise taxes. Unlike the President, however, I would aim these at specific wasteful or unnecessary forms of energy use, such as new cars which get less than 20 miles per gallon, not at all oil and gas regardless of the use to which it will be put.

I find myself unable to support the proposed limitations on cost-of-living increases in social security payments and the food stamp program to a level less than half the current rate of inflation, for I believe these will inflict unacceptable hardships.

Finally, I want to say a few words about a crucial issue the President did not mention. The country is bleeding—losing \$25 billion each year to pay for oil imports at an artificial and intolerable price. And yet we have given almost no attention to the vast economic and political power we could wield to prevent future embargoes, to minimize the strains of concentrated oil wealth on the international financial system, and to curb the power of the OPEC cartel. The hard fact is that we are more vulnerable to an oil blockade now than we were a year ago. We have not played our economic cards at the bargaining table, and have thereby failed to show the OPEC nations that we will not endure punitive and arbitrary oil prices indefinitely. This failure may well prove to be one of the most damaging lapses of Presidential leadership of our time.

Mr. Speaker, I do not intend by these remarks to be a nitpicker or naysayer. I recognize the agonizing deliberation the President devoted to formulating his proposals, and the courage it took to admit the magnitude of our problems and the failure of his previous approaches. I stand ready to work with the administration and with my colleagues of both parties, to seek a way out of our present straits. But we must approach this task with care, we must direct our solution precisely, and we must

strive to spread the burdens of recovery equitably, among all our people. I believe the proposals I have just outlined will do this, and I respectfully submit them for the consideration of the Congress and the country.

#### YOUNG INTRODUCES CONSTITUTIONAL AMENDMENT TO CHECK CONGRESSIONAL ABSENTEEISM

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. YOUNG of Florida. Mr. Speaker, I have introduced a constitutional amendment, House Joint Resolution 91, designed to check absenteeism in the Congress by requiring the expulsion by the Congress of any Member not present and voting on at least 60 percent of the rollcall votes taken during a session. The only exception would be when a Member was absent due to hospitalization because of illness or accident.

It is generally recognized that the people's faith in their governmental institutions, including the Congress, is at an all-time low. Many things are necessary to restore the public's faith in Government and an excellent place for the 94th Congress to begin is through the passage of House Joint Resolution 91.

Senators and Representatives are elected by the people to represent their interests on the national level. The election process amounts to a job contract executed by the voters. With that contract comes the responsibility of each Senator and Representative to fulfill the terms of the contract: to vote on the issues before each body, each day sessions are held. Thus, the physical presence of each Member of Congress—voting in each House's deliberations—is the only way to assure the voters that the employment contract will be fulfilled.

Voting participation statistics have not always been kept—but since 1953, Congressional Quarterly has compiled such statistics. From 1952 through 1972, the voting participation of Members of Congress has averaged between 79 and 90 percent. In 1973, the average was about 89 percent, while the average for 1974—a campaign year—was about 86 percent, or an absenteeism rate of 14 percent for the year.

Mr. Speaker, most private employers would not tolerate an absenteeism rate of 14 percent, except for extenuating circumstances. Yet, the voters who have elected each of us to the job of representing them often have to put up with an intolerable rate of truancy. The conscience of each Member of Congress should wince at unnecessary absences—absences which slow down the deliberations of both the House and the Senate—in committee work and on the floor.

These days of economic and energy crisis demand the full attention of each Representative and each Senator—more than the 60 percent requirement of my proposed constitutional amendment—a



figure chosen because it usually connotes a minimum passing grade. Mr. Speaker, I urge prompt consideration of House Joint Resolution 91 by the Committee on Judiciary as another example of the willingness of the 94th Congress to fully represent the interests of the people.

#### A SALARY OF \$82,500 FOR RTA HEAD "UNCONSCIONABLE"

### HON. GEORGE M. O'BRIEN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. O'BRIEN. Mr. Speaker, last spring voters in six northeastern Illinois counties voted to establish a regional transportation authority. Despite overwhelming voter opposition in five of the counties, making up the suburban area around Chicago, a heavy favorable vote in Cook County—Chicago—provided the needed majority and the RTA was established. Voters in my own county of Will voted against RTA by an 8 to 1 margin.

They seem to have had good reason. The recently created RTA board has started out spending money as if it were going out of style. The board fixed the salary of its chairman, Milton Pikarsky, \$82,500 a year, which according to the following editorial in the January 23 issue of the Chicago Tribune, makes him the highest paid public official in the country next to President Ford. Even if the country were enjoying the best of times economically, the action of the RTA board would be unduly extravagant. In these times, fraught with anxiety over still climbing prices and growing unemployment, the notion that any public body would approve such a salary level for its top official is incredible and unconscionable.

The editorial follows:

#### \$82,500—Is It ONLY A BEGINNING?

The Regional Transportation Authority board has agreed to pay its chairman-elect, Milton Pikarsky, \$82,500 a year, making him the highest paid public official in the country next to President Ford.

Unfortunately for taxpayers in the six-county RTA region, Mr. Pikarsky's new salary looks like only the beginning. The RTA board also created a three-member committee headed by Ernest S. Marsh, the retired chairman of Santa Fe Industries, to determine what kind of fringe benefits should be given the new chairman and other members of the RTA staff. These fringes are likely to include health and life insurance and probably retirement benefits.

It is only reasonable to expect that when the RTA settles in to permanent quarters, the chairman's suite of offices will be lavish enough to be commensurate with a salary of \$82,500 a year. And of course there will have to be a chauffeured limousine. After all, who would expect the chairman of the RTA to use public transportation?

All this does little to assuage the fear of suburban taxpayers that the RTA under Mr. Pikarsky will be a big spender. That fear was aggravated, in fact, by the report that Mr. Pikarsky went before the RTA board and suggested that his salary should be between \$80,000 and \$100,000 a year.

As chairman of the CTA, Mr. Pikarsky was paid \$50,000 a year. Even with inflation and the additional responsibilities at RTA, it is

hard to justify a 65 per cent increase in pay. And his pay will be reviewed by the RTA board every Jan. 1.

There is one way, however, for the taxpayers—at least of Chicago—to recoup something from the topheavy administrative pay burden. With RTA functioning, the next head of the CTA will not have as much responsibility as before and, as a result, shouldn't need the salary that was paid to Mr. Pikarsky. In addition, RTA eliminates the need to have an expensive board governing the CTA. By cutting the CTA chairman's salary and dropping the board, the saving would at least help to offset the cost of a well-paid RTA staff.

We hope Mr. Pikarsky will prove he is worth \$82,500 a year, but he should have proved it before being paid it.

#### CONTINUING OUR COMMITMENT TO INEXPENSIVE FOOD STAMPS

### HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. UDALL. Mr. Speaker, in this period of rising costs and unemployment, all Americans face financial difficulties. But none of us has to deal with problems as severe as those of the poor who are trying to live from day to day on a subsistence income. Surely, this is not the time to abandon our commitment to the underprivileged by charging them more for food stamps, but that is what the President would have us do.

The President's defense of added food stamp costs does not reflect any degree of sensitivity to the needs of the elderly and the poor of this Nation. For many of these people, food stamps are an essential supplement to their meager incomes. So, I strongly urge the Congress to pass the bill I am cosponsoring to block the President's automatic increase of food stamp prices to 30 percent of each recipient's income on March 1.

As an added incentive for the working poor and those receiving unemployment benefits, this bill also reduces the maximum charge for the stamps to 25 percent.

Equally important is the provision to permanently allow all social security recipients to participate in the food stamp program. Only 10 percent of all social security recipients have incomes higher than that normally allowed to qualify for food stamps so the time and effort required to remove these people from the rolls would be more costly than simply extending the program to them.

At a time when the Congress and the administration are looking for ways to stimulate the economy and return funds to the people and the marketplace, we ought not forget those Americans who have an ever-present need, those Americans who, because of inflation and rampant unemployment, are hungry and who, if the President's proposal is allowed to stand, will be forced out of the food stamp program because of higher prices.

This legislation will give them a remedy and will show that there remain a few who are sensitive to their plight. Immediate enactment of this bill is imperative.

#### CALL FOR HEARINGS ON NATURAL GAS SHORTAGE IN OHIO

### HON. THOMAS L. ASHLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. ASHLEY. Mr. Speaker, I have called upon Chairman STAGGERS to schedule hearings in the Interstate and Foreign Commerce Committee at the earliest opportunity to investigate severe curtailments of natural gas supplies in Ohio.

The situation has reached critical proportions. Columbia Gas, the supplier of 60 percent of the natural gas consumed in Ohio, has cut deliveries to 1,380 large industries by 55 percent this month, posing a threat of layoffs and reduced production at a time when the economy is already in serious decline. In Toledo 189 industries are among those hit, and 1 of them has already announced that it is considering moving to Illinois, taking 150 jobs with it, because there is no natural gas shortage in that State.

Another 1,561 commercial customers, including 105 in the Toledo area, were notified of 40 percent reductions in natural gas deliveries for the balance of the winter and 15 percent cutbacks thereafter.

The impact of these curtailments on business activity could be devastating. And an immediate emergency erupted when Columbia Gas notified the public schools of the Toledo area that they would face the same 40 percent reduction in natural gas, posing the unpleasant choice between shortening the school week or running the risk to students and teachers of unacceptably cold classrooms.

I have asked the Ohio Public Utilities Commission to intercede in this matter, but clearly a solution must be found.

Mr. Speaker, at the same time that Ohio and other States are confronted with this critical problem, most States throughout the country have had no curtailment of natural gas supplies whatsoever. I believe that it is manifestly unfair for Ohio—or any other State—to bear the burden of growing unemployment, loss of industrial output, and closing of schools, while neighboring States are totally unaffected. The situation is so serious in fact that a Federal Power Commission just recently urged the Governors of 12 States to declare natural gas emergencies.

I am convinced that congressional hearings must be convened as quickly as possible to explore this situation and ascertain whether there is a true shortage of natural gas and why some States have been singled out for discriminatory treatment. Representatives of the natural gas producers and distributors, State public utility commissioners, consumers and natural gas customers, and officials of the FPC and other Government agencies should be called to testify and enable us to get at the facts. If new legislation is needed, or if a change in the FPC's authority appears advisable, these and other alternatives need to be explored.

I hope that my colleagues from other States hit by this sudden crisis will join me in this call for hearings. I urge the Interstate and Foreign Commerce Com-

mittee to expedite consideration of this emergency which threatens severe economic hardships in my congressional district and throughout Ohio.

#### VIEWS ON THE ENERGY CRISIS

### HON. WILLIAM R. COTTER

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. COTTER. Mr. Speaker, in early January the President of WTIC Radio, Leonard Patricelli, gave two editorials on the energy crisis.

Pat's editorials received an enthusiastic and warm response, and I want to share them with my colleagues and the readers of the RECORD.

[WTIC editorial, Hartford, Conn., Jan. 3, 1975]

The year 1975 could very well become the most crucial year in America's history. For the first time since we achieved independence the domestic policy of these United States is being dictated by external forces, manipulated by nations apparently bent upon bankrupting the Western World.

Since the close of World War II, we have lived with the threat of "the bomb" . . . the ultimate weapon that could destroy us in a nuclear holocaust. Well, a different bomb has already been dropped, its inner workings consisting of oil that powers our cars and trucks, our homes and our industry. And it is resulting in economic holocaust.

In the last four years, while export prices have risen 55 percent, the income of O.P.E.C., the Organization of Petroleum Exporting Countries, on each barrel of oil has gone up 955 percent. Translated into dollars, in just the last year alone these unfriendly O.P.E.C. nations have built up a monetary reserve of more than 25 billion dollars. If this continues, O.P.E.C. could buy out all companies on the New York Stock Exchange in nine years and all U.S. direct investments abroad in less than two years. The Western World's financial reserves will be entirely spent within—at the most—five years.

The oil-producing nations, particularly the Arab countries, are gripping our economic jugular vein and we must break that hold. At stake is not only our need for oil, but our very survival. Secretary of State Kissinger has already begun preparing the nation and the world for the possibility of armed confrontation if the O.P.E.C. nations are unwilling to relent in their price-gouging policies.

Other than to sink or to fight, what are the alternatives? On Monday, we'll consider them.

LEONARD J. PATRICELLI,  
President, the Ten Eighty Corp.

[WTIC editorial, Hartford, Conn.,  
Jan. 6, 1975]

When last we spoke to you of the grave consequences facing this country and the Western World as a result of the Arab oil crisis, we indicated we would explore alternatives to our economic devastation by the O.P.E.C., the Organization of Petroleum Exporting Countries.

We must begin with immediate decisive government leadership to conserve the use of oil in this country. It won't solve the problem, but it will buy time.

Let's stop talking about it—let's do it! Let us embark on a crash program, by mobilizing all of the technology at our disposal, to find new sources of oil. Let us

encourage off-shore drilling, finance mass transit, and make mandatory its use wherever possible and impose heavy taxes on gas guzzling automobiles.

Again, this might well buy the time needed to harness forces of the oceans and the sun that would make us truly energy free.

Let us strongly support the statement of Secretary of State Kissinger in which he put the oil-rich nations of the world on notice that we will not permit economic strangulation of the industrialized world without taking drastic action.

One thing can be learned from our present crisis. No nation can ever be truly independent again. No one, not even the United States, has a monopoly on the world's resources, whether it be oil or other natural resources essential to our economic survival—or the very air we breathe.

We must lead the way in this fight for our very survival, and we must win. During World War II, as Hitler's stormtroopers marched across Europe, England and France were our buffers and we were their backstop. Today, there are no more buffers and there is no backstop for the United States. The Arab nations have the Soviet Union for a backstop. We have only ourselves. It is you and I—the people of America—who are the backbone and the backstop for democracy and a reasonable peace in this piratical power-hungry world.

LEONARD J. PATRICELLI,  
President, the Ten Eighty Corp.

#### POWER TO THE PEOPLE

### HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. SYMMS. Mr. Speaker, the President of the Idaho State AFL-CIO, Bob McFarland, made a recent statement on the energy and economic situation facing our Nation. His statement needs little introduction as it speaks for itself.

I commend the following statement to my colleagues in the Congress and urge their utmost attention to its message:

#### POWER TO THE PEOPLE

There'll come a day when the people of this favored land will curse the Sierra Club and the Friends of the Earth and all those other ecology extremists.

It will be the day when you flip the switch and there is no light. A day when you adjust the thermostat but there is no heat or air conditioning. A day when you go to the plant or the office but there is no work because there is no power to turn the wheel or run the lathe.

This country is, indeed, facing a power shortage. It is not too far away.

Even if we started today to construct the needed facilities, it would be nip and tuck with disaster. It takes time to build a power plant; time to explore and drill for oil; time to develop new sources of energy and power.

Yet in the face of this threat, the posey-pluckers persist in battling every proposal for power plants, every effort to build an oil line from Alaska, every attempt to explore and drill for oil offshore.

They talk, these extreme environmentalists, of exotic sources of energy. They talk through their beanies. Geothermal power fully developed would provide, at most, 10 percent of our needs. Solar energy, in the present state of the art, would require a battery the size of Arizona to supply power to the city of Los Angeles.

The back-to-nature folks talk about charg-

ing more for light and gas, this to cut demand. You know who would get it in the neck on that one: the working guy . . . through higher utility bills, higher prices for food and clothes, and higher taxes (schools and hospitals and public buildings use power, too.)

If some folks want to go live in a cave and light their way by candle and tote their stuff by oxen, that's their bag. But they have no right to flip the switch on the rest of us.

To coin a phrase: power to the people . . . and soon.

IDAHO STATE AFL-CIO.

#### MARTIN LUTHER KING REMEMBERED

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. RANGEL. Mr. Speaker, a week ago yesterday, on what would have been his 46th birthday, we remembered and honored Dr. Martin Luther King, Jr.

Rather than speak, and repeat the words spoken by myself and others about the greatness of Dr. King, and of what he did for this country in his too-short lifetime, I will today let Dr. King's words stand alone.

While in an Alabama jail cell in 1963, arrested for leading a nonviolent demonstration, Dr. King penned a letter in response to eight Alabama clergymen's criticisms of his activities.

The letter, in the grandest tradition of Thoreau and Gandhi, offers an explanation of why men protest, why they fight for justice. I now introduce the text of Dr. King's letter in the RECORD in the hope that my colleagues will draw wisdom and strength, from Dr. King and from what he left behind for us all:

DR. MARTIN LUTHER KING, JR.: "LETTER FROM A BIRMINGHAM JAIL" AND "I HAVE A DREAM"

(In the spring of 1963, Dr. Martin Luther King, Jr. went to Birmingham, Alabama, to help stage a massive nonviolent demonstration that would call attention to the complete breakdown of negotiations between whites and Negroes on various desegregation plans. With scores of others, he was arrested and jailed. While in his cell, he read a published statement by eight Alabama clergymen—Christian and Jewish—that criticized his activities as "unwise and untimely." On the margins of the newspaper that carried the statement and on scraps of writing paper, Dr. King composed a stirring reply, here reprinted in part.)

APRIL 16, 1963.

MY DEAR FELLOW CLERGYMEN: I am in Birmingham because injustice is here. Just as the prophets of the eighth century B.C. left their villages and carried their "thus saith the Lord" far beyond the boundaries of their home towns, and just as the Apostle Paul left his village of Tarsus and carried the gospel of Jesus Christ to the far corners of the Greco-Roman world, so am I compelled to carry the gospel of freedom beyond my own home town. Like Paul, I must constantly respond to the Macedonian call for aid.

Moreover, I am cognizant of the interrelatedness of all communities and states. I cannot sit idly by in Atlanta and not be concerned about what happens in Birmingham. Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable



network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly. Never again can we afford to live with the narrow, provincial "outside agitator" idea. Anyone who lives inside the United States can never be considered an outsider anywhere within its bounds.

You deplore the demonstrations taking place in Birmingham. But your statement, I am sorry to say, fails to express a similar concern for the conditions that brought about the demonstrations. I am sure that none of you would want to rest content with the superficial kind of social analysis that deals merely with effects and does not grapple with underlying causes. It is unfortunate that demonstrations are taking place in Birmingham, but it is even more unfortunate that the city's white power structure left the Negro community with no alternative.

You may well ask: "Why direct action? Why sit-ins, marches and so forth? Isn't negotiation a better path?" You are quite right in calling for negotiation. Indeed, this is the very purpose of direct action. Nonviolent direct action seeks to create such a crisis and foster such a tension that a community which has constantly refused to negotiate is forced to confront the issue. It seeks so to dramatize the issue that it can no longer be ignored. My citing the creation of tension as part of the work of the nonviolent-resister may sound rather shocking. But I must confess that I am not afraid of the word "tension." I have earnestly opposed violent tension, but there is a type of constructive, non-violent tension which is necessary for growth.

My friends, I must say to you that we have not made a single gain in civil rights without determined legal and nonviolent pressure. Lamentable, it is an historical fact that privileged groups seldom give up their privileges voluntarily. Individuals may see the moral light and voluntarily give up their unjust posture; but as Reinhold Niebuhr has reminded us, groups tend to be more immoral than individuals.

We know through painful experience that freedom is never voluntarily given by the oppressor; it might be demanded by the oppressed. Frankly, I have yet to engage in a direct-action campaign that was "well-timed" in the view of those who have not suffered unduly from the disease of segregation. For years now I have heard the word "Wait!" It rings in the ear of every Negro with piercing familiarity. This "Wait" has almost always meant "Never." We must come to see, with one of our distinguished jurists, that "justice too long delayed is justice denied."

We have waited for more than 340 years for our constitutional and God-given rights. The nations of Asia and Africa are moving with jetlike speed toward gaining political independence, but we still creep at horse-and-buggy pace toward gaining a cup of coffee at a lunch counter. Perhaps it is easy for those who have never felt the stinging darts of segregation to say, "Wait."

But when you have seen vicious mobs lynch your mothers and fathers at will and drown your sisters and brothers at whim; when you have seen hate-filled policemen curse, kick and even kill your black brothers and sisters; when you see the vast majority of your twenty million Negro brothers smothering in an uptight cage of poverty in the midst of an affluent society; when you suddenly find your tongue twisted and your speech stammering as you seek to explain to your 6-year-old daughter why she can't go to the public amusement park that has just been advertised on television, and see tears welling up in her eyes when she is told that Funtown is closed to colored children, and see ominous clouds of inferiority beginning to form in her little mental sky, and see her beginning to distort her personality by developing an unconscious bitterness to-

ward white people; when you have to concoct an answer for a 5-year-old son who is asking: "Daddy, why do white people treat colored people so mean?"; when you take a cross-country drive and find it necessary to sleep night after night in the uncomfortable corners of your automobile because no motel will accept you; when you are humiliated day in and day out by nagging signs reading "white" and "colored"; when your first name becomes "nigger", your middle name becomes "boy" (however old you are) and your last name becomes "John," and your wife and mother are never given the respected title "Mrs."; when you are harried by day and haunted by night by the fact that you are a Negro, living constantly at tiptoe stance, never quite knowing what to expect next, and are plagued with inner fears and outer resentments; when you are forever fighting a degenerating sense of "nobodiness"—then you will understand why we find it difficult to wait.

There comes a time when the cup of endurance runs over, and men are no longer willing to be plunged into the abyss of despair. I hope, sirs, you can understand our legitimate and unavoidable impatience.

You express a great deal of anxiety over our willingness to break laws. This is certainly a legitimate concern. Since we do diligently urge people to obey the Supreme Court's decision of 1954 outlawing segregation in the public schools, at first glance it may seem rather paradoxical for us to consciously break laws. One may well ask: "How can you advocate breaking some laws and obeying others?" The answer lies in the fact that there are two types of laws: just and unjust. I would be the first to advocate obeying just laws. I would agree with St. Augustine that "an unjust law is no law at all."

Now, what is the difference between the two? How does one determine whether a law is just or unjust? A just law is a man-made code that squares with the moral law or the law of God. An unjust law is a code that is out of harmony with the moral law. To put it in the terms of St. Thomas Aquinas: An unjust law is a human law that is not rooted in eternal law and natural law. And law that uplifts human personality is just. Any law that degrades human personality is unjust . . .

In no sense do I advocate evading or defying the law, as would the rabid segregationist. That would lead to anarchy. One who breaks an unjust law must do so openly, lovingly, and with a willingness to accept the penalty. I submit that an individual who breaks a law that conscience tells him is unjust, and who willingly accepts the penalty of imprisonment in order to arouse the conscience of the community over its injustice, is in reality expressing the highest respect for law.

We should never forget that everything Adolf Hitler did in Germany was "legal" and everything the Hungarian freedom fighters did in Hungary was "illegal." It was "illegal" to aid and comfort a Jew in Hitler's Germany. Even so, I am sure that, had I lived in Germany at the time, I would have aided and comforted my Jewish brothers. If today I lived in a Communist country where certain principles dear to the Christian faith are suppressed, I would openly advocate disobeying that country's antireligious laws.

I must make two honest confessions to you, my Christian and Jewish brothers. First, I must confess that over the past few years I have been gravely disappointed with the white moderate. I have almost reached the regrettable conclusion that the Negro's great stumbling block in his stride toward freedom is not the White Citizen's Council or the Ku Klux Klanner, but the white moderate, who is more devoted to "order" than to justice; who prefers a negative peace which is the absence of tension to a positive peace

which is the presence of justice; who constantly says: "I agree with you in the goal you seek, but I cannot agree with your methods of direct action"; who paternalistically believes he can set the timetable for another man's freedom; who lives by a mythical concept of time and who constantly advises the Negro to wait for a "more convenient season." Shallow understanding from people of good will is more frustrating than absolute misunderstanding from people of ill will. Lukewarm acceptance is much more bewildering than outright rejection.

I had hoped that the white moderate would understand that law and order exist for the purpose of establishing justice and that when they fail in this purpose they become the dangerously structured dams that block the flow of social progress.

I had hoped that the white moderate would understand that the present tension in the South is a necessary phase of the transition from an obnoxious negative peace, in which the Negro passively accepted his unjust plight, to a substantive and positive peace, in which all men will respect the dignity and worth of the human personality. Actually, we who engage in nonviolent direct action are not the creators of tension. We merely bring to the surface the hidden tension that is already alive. We bring it out in the open, where it can be seen and dealt with. Like a boil that can never be cured so long as it is covered up but must be opened with all its ugliness to the natural medicines of air and light, injustice must be exposed, with all the tension its exposure creates, to the light of human conscience and the air of national opinion before it can be cured.

In your statement you assert that our actions, even though peaceful, must be condemned because they precipitate violence. But is this a logical assertion?

Isn't this like condemning a robbed man because his possession of money precipitated the evil of robbery?

Isn't this like condemning Socrates because his unswerving commitment to truth and his philosophical inquiries precipitated the act by the misguided populace in which they made him drink hemlock?

Isn't this like condemning Jesus because his unique Godconsciousness and never-ceasing devotion to God's will precipitated the evil act of crucifixion?

More and more I feel that the people of ill will have used time much more effectively than have the people of good will. We will have to repent in this generation not merely for the hateful words and actions of the bad people but for the appalling silence of the good people. Human progress never rolls on wheels of inevitability; it comes through the tireless efforts of men willing to be coworkers with God, and without this hard work, time itself becomes an ally of the forces of social stagnation. We must use time creatively, in the knowledge that the time is always ripe to do right.

Now is the time to make real the promise of democracy and transform our pending national elegy into a creative psalm of brotherhood.

Now is the time to lift our national policy from the quicksand of racial injustice to the solid rock of human dignity.

You speak of our activity in Birmingham as extreme. At first I was rather disappointed that fellow clergymen would see my non-violent efforts as those of an extremist. I began thinking about the fact that I stand in the middle of two opposing forces in the Negro community. One is a force of complacency made up in part of Negroes who, as a result of long years of oppression, are so drained of self-respect and a sense of "somebodiness" that they have adjusted to segregation; and in part of a few middle-class Negroes who, because of a degree of academic and economic security and because in some ways they profit by segregation, have become

insensitive to the problems of the masses. The other force is one of bitterness and hatred, and it comes perilously close to advocating violence. It is expressed in the various black nationalist groups that are springing up across the nation, the largest and best-known being Elijah Muhammad's Muslim movement.

Nourished by the Negro's frustration over the continued existence of racial discrimination, this movement is made up of people who have lost faith in America, who have absolutely repudiated Christianity, and who have concluded that the white man is an incorrigible "devil."

I have tried to stand between these two forces, saying that we need emulate neither the "do-nothingism" of the complacent nor the hatred and despair of the black nationalist. For there is the more excellent way of love and nonviolent protest. I am grateful to God that, through the influence of the Negro church, the way of nonviolence became an integral part of our struggle.

If this philosophy had not emerged, by now many streets of the South would, I am convinced, be flowing with blood. And I am further convinced that if our white brothers dismiss as "rabble-rousers" and "outside agitators" those of us who employ nonviolent direct action, and if they refuse to support our nonviolent efforts, millions of Negroes will, out of frustration and despair, seek solace and security in black-nationalist ideologies—a development that would inevitably lead to a frightening racial nightmare.

Oppressed people cannot remain oppressed forever. The yearning for freedom eventually manifests itself, and that is what has happened to the American Negro. Something within has reminded him of his birthright of freedom, and something without has reminded him that it can be gained.

The Negro has many pent-up resentments and latent frustrations, and he must release them. So let him march; let him make prayer pilgrimages to the city hall; let him go on freedom rides—and try to understand why he must do so. If his repressed emotions are not released in nonviolent ways, they will seek expression through violence; this is not a threat but a fact of history.

So I have not said to my people: "Get rid of your discontent." Rather, I have tried to say that this normal and healthy discontent can be channeled into the creative outlet of nonviolent direct action. And now this approach is being termed extremist.

But though I was initially disappointed at being categorized as an extremist, as I continued to think about the matter I gradually gained a measure of satisfaction from the label.

Was not Jesus an extremist for love: "Love your enemies, bless them that curse you, do good to them that hate you, and pray for them which spitefully use you and persecute you."

Was not Amos an extremist for justice: "Let justice roll down like waters and righteousness like an everflowing stream."

Was not Paul an extremist for the Christian gospel: "I bear in my body the marks of the Lord Jesus."

Was not Martin Luther an extremist: "Here I stand; I cannot do otherwise, so help me God."

And John Bunyan: "I will stay in jail to the end of my days before I make a butchery of my conscience."

And Abraham Lincoln: "This nation cannot survive half slave and half free."

And Thomas Jefferson: "We hold these truths to be self-evident, that all men are created equal. . . ." So the question is not whether we will be extremists, but what kind of extremists we will be.

Will we be extremists for hate or for love? Will we be extremists for the preservation of injustice or for the extension of justice?

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Let me take note of my other major disappointment. I have been so greatly disappointed with the white church and its leadership. Of course, there are some notable exceptions. . . . I do not say this as one of those negative critics who can always find something wrong with the church. I say this as a minister of the gospel, who loves the church; who was nurtured in its bosom; who has been sustained by its spiritual blessings and who will remain true to it as long as the cord of life shall lengthen. . . .

I have heard numerous southern religious leaders admonish their worshippers to comply with a desegregation decision because it is the law, but I have longed to hear white ministers declare: "Follow this decree because integration is morally right and because the Negro is your brother."

In the midst of blatant injustices inflicted upon the Negro, I have watched white churchmen stand on the sideline and mouth pious irrelevancies and sanctimonious trivialities.

In the midst of a mighty struggle to rid our nation of social and economic injustice, I have heard many ministers say: "Those are social issues, with which the gospel has no real concern." And I have watched many churches commit themselves to a completely other-worldly religion which makes a strange, un-Biblical distinction between body and soul, between the sacred and the secular. . . .

In deep disappointment I have wept over the laxity of the church. But be assured that my tears have been tears of love. There can be no deep disappointment where there is not deep love. Yes, I love the church. How could I do otherwise? I am in the rather unique position of being the son, the grandson and the great-grandson of preachers. Yes, I see the church as the body of Christ. But, oh! How we have blemished and scarred that body through social neglect and through fear of being nonconformists. . . .

I hope the church as a whole will meet the challenge of this decisive hour. But even if the church does not come to the aid of justice, I have no despair about the future. I have no fear about the outcome of our struggle in Birmingham, even if our motives are at present misunderstood. We will reach the goal of freedom in Birmingham and all over the nation, because the goal of America is freedom.

Abused and scorned though we may be, our destiny is tied up with America's destiny. Before the pilgrims landed at Plymouth, we were here. Before the pen of Jefferson etched the majestic words of the Declaration of Independence across the pages of history, we were here. For more than two centuries our forebears labored in this country without wages; they made cotton king; they built the homes of their masters while suffering gross injustice and shameful humiliation—and yet out of a bottomless vitality they continued to thrive and develop.

If the inexpressible cruelties of slavery could not stop us, the opposition we now face will surely fail. We will win our freedom because the sacred heritage of our nation and the eternal will of God are embodied in our echoing demands.

I hope this letter finds you strong in the faith. I also hope that circumstances will soon make it possible for me to meet each of you, not as an integrationist or civil rights leader, but as a fellow clergyman and a Christian brother.

Let us all hope that the dark clouds of racial prejudice will soon pass away and the deep fog of misunderstanding will be lifted from our fear-drenched communities, and in some not too distant future tomorrow the radiant stars of love and brotherhood will shine over our great nation with all their scintillating beauty.

Yours for the cause of Peace and Brotherhood,

MARTIN LUTHER KING, JR.

#### I HAVE A DREAM

(Martin Luther King's historic address at the Lincoln Memorial during the March on Washington, August 28, 1963)

I am happy to join with you today in what will go down in history as the greatest demonstration for freedom in the history of our nation.

Five score years ago a great American in whose symbolic shadow we stand today signed the Emancipation Proclamation. This momentous decree is a great beacon light of hope to millions of Negro slaves who had been seared in the flames of withering injustice. It came as a joyous daybreak to end the long night of their captivity. But one hundred years later the Negro still is not free. One hundred years later the life of the Negro is still badly crippled by the manacles of segregation and the chains of discrimination. One hundred years later the Negro lives on a lonely island of poverty in the midst of a vast ocean of material prosperity. One hundred years later the Negro is still languished in the corners of American society and finds himself in exile in his own land. So we've come here today to dramatize a shameful condition.

In a sense we've come to our nation's capital to cash a check. When the architects of our Republic wrote the magnificent words of the Constitution and the Declaration of Independence, they were signing a promissory note to which every American was to fall heir. This note was a promise that all men—yes, black men as well as white men—would be guaranteed the unalienable rights of life, liberty and the pursuit of happiness. It is obvious today that America has defaulted on this promissory note insofar as her citizens of color are concerned. Instead of honoring this sacred obligation, America has given the Negro people a bad check, a check which has come back marked "insufficient funds."

But we refuse to believe that the bank of justice is bankrupt. We refuse to believe that there are insufficient funds in the great vaults of opportunity of this nation. So we've come to cash this check, a check that will give us upon demand the riches of freedom and the security of justice.

We have also come to this hallowed spot to remind America of the fierce urgency of now. This is no time to engage in the luxury of cooling off or to take the tranquilizing drug of gradualism. Now is the time to make real the promises of democracy. Now is the time to rise from the dark and desolate valley of segregation to the sunlit path of racial justice. Now is the time to lift our nation from the quicksands of racial injustice to the solid rock of brotherhood.

Now is the time to make justice a reality for all of God's children. It would be fatal for the nation to overlook the urgency of the moment. This sweltering summer of the Negro's legitimate discontent will not pass until there is an invigorating autumn of freedom and equality—1963 is not an end but a beginning. Those who hope the Negro needed to blow off steam and will now be content will have a rude awakening if the nation returns to business as usual.

There will be neither rest nor tranquility in America until the Negro is granted his citizenship rights. The whirlwinds of revolt will continue to shake the foundations of our nation until the bright days of justice emerges. And that is something that I must say to my people who stand on the worn threshold which leads into the palace of justice. In the process of gaining our rightful place we must not be guilty of wrongful deeds. Let us not seek to satisfy our thirst for freedom by drinking from the cup of bitterness and hatred.

We must forever conduct our struggle on the high plane of dignity and discipline. We must not allow our creative protests to degenerate into physical violence. Again and again we must rise to the majestic heights



of meeting physical force with soul force. The marvelous new militancy which has engulfed the Negro community must not lead us to distrust all white people, for many of our white brothers, as evidenced by their presence here today, have come to realize that their destiny is tied up with our destiny.

They have come to realize that their freedom is inextricably bound to our freedom. We cannot walk alone. And as we walk we must make the pledge that we shall always march ahead. We cannot turn back. There are those who are asking the devotees of civil rights: "When will you be satisfied?" We can never be satisfied as long as the Negro is the victim of the unspeakable horrors of police brutality.

We can never be satisfied as long as our bodies, heavy with the fatigue of travel, cannot gain lodging in the motels of the highways and the hotels of the cities.

We cannot be satisfied as long as the Negro's basic mobility is from a smaller ghetto to a large one. We can never be satisfied as long as our children are stripped of their adulthood and robbed of their dignity by signs stating "For Whites Only."

We cannot be satisfied as long as the Negro in Mississippi cannot vote and the Negro in New York believes he has nothing for which to vote.

No, no, we are not satisfied, and we will not be satisfied until justice rolls down like waters and righteousness like a mighty stream.

I am not unmindful that some of you have come here out of great trials and tribulations. Some areas where your quest for freedom left you battered by the storms of persecution and staggered by the winds of police brutality. You have been the veterans of creative suffering.

Continue to work with the faith that unearned suffering is redemptive. Go back to Mississippi, go back to Alabama, go back to South Carolina, go back to Georgia, go back to Louisiana, go back to the slums and ghettos of our Northern cities, knowing that somehow this situation can and will be changed. Let us not wallow in the valley of despair.

I say to you today, my friends, though, even though we face difficulties today and tomorrow, I still have a dream. It is a dream. It is a dream deeply rooted in the American dream. I have a dream that one day this nation will rise up, live out the true meaning of its creed: "We hold these truths to be self-evident, that all men are created equal."

I have a dream that one day on the red hills of Georgia, sons of former slaves and sons of former slave-owners will be able to sit down together at the table of brotherhood. I have a dream that one day even the state of Mississippi, a state sweltering with the heat of injustice, sweltering with the heat of oppression, will be transformed into an oasis of freedom and justice.

I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character. I have a dream . . . I have a dream that one day in Alabama, with its vicious racists, with its governor having his lips dripping with words of interposition and nullification, one day right there in Alabama little black boys and black girls will be able to join hands with little white boys and white girls as brothers and sisters.

I have a dream today . . . I have a dream that one day every valley shall be exalted, every hill and mountain shall be made low. The rough places will be made plain, and the crooked places will be made straight. And the glory of the Lord shall be revealed, and all flesh shall see it together. This is our hope. This is the faith that I go back to the South with. With this faith we will be able to hew out of the mountain of de-

spair a stone of hope. With this faith we will be able to transform the jangling discords of our nation into a beautiful symphony of brotherhood. With this faith we will be able to work together, to pray together, to struggle together, to go to jail together, to stand up for freedom together, knowing that we will be free one day!

This will be the day when all of God's children will be able to sing with new meaning, "My country, 'tis of thee, sweet land of liberty, of thee I sing. Land where my fathers died, land of the pilgrim's pride, from every mountain side, let freedom ring." And if America is to be a great nation, this must become true. So let freedom ring from the prodigious hilltops of New Hampshire. Let freedom ring from the mighty mountains of New York. Let freedom ring from the heightening Alleghenies of Pennsylvania. Let freedom ring from the snowcapped Rockies of Colorado. Let freedom ring from the curvaceous slopes of California.

But not only that. Let freedom ring from Stone Mountain of Georgia. Let freedom ring from Lookout Mountain of Tennessee. Let freedom ring from every hill and molehill of Mississippi, from every mountain side. Let freedom ring!

When we allow freedom to ring—when we let it ring from every city and every hamlet, from every state and every city, we will be able to speed up that day when all of God's children, black men and white men, Jews and Gentiles, Protestants and Catholics, will be able to join hands and sing in the words of the old Negro spiritual, "Free at last, Free at last, Great God almighty, We are free at last."

#### AMERICANS ABROAD LOSE VOTING RIGHTS

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. DENT. Mr. Speaker, it is reliably estimated that there are more than 750,000 American citizens of voting age residing outside of the United States in nongovernmental capacities. These citizens include thousands of businessmen, teachers, missionaries, accountants, engineers, lawyers, and others from all walks of life who serve various American interests abroad. Although these citizens remain subject to U.S. tax laws and all other obligations of American citizenship, they are in many cases strongly discouraged if not outright prohibited from registering to vote and voting in Federal elections.

Currently only 27 States and the District of Columbia have statutes which allow absentee registration and voting by citizens temporarily residing outside of the United States. Even among those States which have such statutes, many requirements and regulations are imposed which are difficult if not impossible to meet. Because of this situation I joined with a number of my colleagues in the 93d Congress in introducing the Overseas Citizens Voting Rights Act. The bill sought to provide uniform procedures for absentee registration and voting in Federal elections for American citizens residing abroad. Unfortunately, due to the crush of legislation at the end of the session, the measure died on the suspension calendar.

Today I am again introducing this legislation along with my colleague from Minnesota, Mr. FRENZEL. I would strongly urge all of my colleagues to join us in our efforts to return the vital right to vote to so many thousands of American citizens residing abroad.

#### CREDIT REPORTING REFORMS

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. ROYBAL. Mr. Speaker, the American people are just beginning to realize how many government and private businesses keep and have access to files containing the most personal information on an individual's life. For years, businesses engaged in gathering information concerning an individual's character, morals, and credit worthiness have been free to resell that information to other people while at the same time refusing inquiries from the individual who is the subject of the file.

I believe that the current practices within the credit reporting industry should be changed. Therefore on the first day of this Congress I introduced legislation to tighten Federal controls on the preparation and release of credit reports. This bill would amend and strengthen the Fair Credit Reporting Act passed in 1970 which has failed to adequately protect a person's right to privacy.

Under current law, investigative agencies produce millions of credit reports a year with virtual immunity from libel or slander suits, even though many of these reports contain serious errors. When an individual applies for a job, insurance, or even apartment rental, he stands a good chance of being investigated without even knowing it. There is nothing in the law which prevents an investigative agency from reselling these reports over and over again. This practice constitutes a very dangerous threat to our right of privacy and free speech.

My bill would correct these gaps in the law by setting up stricter procedures for both "investigative consumer reports" and "consumer reports." An "investigative report" deals with a person's moral character, life style, personal traits and reputation. A "consumer report" is a simple credit check of one's financial situation and credit rating.

Because of the seriousness of the investigative report, the company or employer requesting this report must first obtain the consumer's written consent. The report is then sent simultaneously to both the company and the consumer. In the credit check, the company must inform a person in writing within 3 days that a report may be made. The consumer has the option to ask for a copy of the completed dossier.

For both types of reports, the individual has the right to correct any reporting error or misrepresentation.

The credit reform bill would also recognize a new Federal "course of action" allowing the consumer to sue any reporting firm that "negligently or maliciously

publishes any untrue statement or representation."

The credit reform bill would also recognize a new Federal "cause of action" allowing the consumer to sue any reporting firm that "negligently or maliciously publishes any untrue statement or representation." Civil penalties would include a minimum of \$1,000 or actual damages, whichever is greater, plus punitive damages. This provision would abolish the doctrine of conditional privilege which rests on a showing of malice and would include negligence as grounds for suit.

Finally, the proposed legislation would create a board of examiners to regulate the credit reporting industry. The board would establish Federal standards for licensing credit investigators and carry subpoena powers to probe into credit reporting practices.

Mr. Speaker, I believe this bill will effectively stop the release of reports that brand a person as immoral or irresponsible on the basis of hearsay or some personal grudge against the individual.

#### ALVARO PINEDA'S LAST MOUNT

#### HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. CHARLES H. WILSON of California. Mr. Speaker, last Saturday I lost a very good friend and the sporting world lost a great jockey when Alvaro Pineda was killed in a freak starting gate accident at Santa Anita. I had known Alvaro since he first came to California in the mid-1960's to begin what became a phenomenal racing career.

For Alvaro Pineda, the stakes proved to be the highest in the hazardous world of horseracing. His beginnings were auspicious since, after apprenticing in Mexico City, he quickly established himself professionally to move out of the "bullrings" of American racing into the top spot at Santa Anita. Yet, in 1969, after winning championships at both Santa Anita and Hollywood Park, he went through a dark period which is not uncommon among those who achieve sudden celebrity as he wrestled with the problem of alcohol abuse.

But, being a person of great self-awareness and determination, Alvaro consulted a doctor who assisted him to conquer this debilitating problem. With renewed dedication, he started to work even harder than before but was sidelined when he broke a wrist. This unlucky accident did not demoralize him, however, for, in his own words—

It was like being reborn . . . I never doubted my talent. But I doubted myself.

Last year, Pineda had his finest season; his mounts won \$2,158,053 and he was honored by Santa Anita's George Woolf Memorial Award given annually to the rider whose career reflects credit upon the profession. Ironically, George Woolf was fatally injured in a 1946 accident, and Alvaro Pineda's tragic death is the first Santa Anita racing fatality since then.

Because Alvaro's life was cut short at age 29, the racing world has lost one of its finest riders, his wife Donna and their two young children have lost a devoted husband and father, and I and many others have lost a close personal friend. But his courage and skill will never be forgotten for, as Gerald Strine of the Washington Post wrote, Alvaro Pineda was "a gentleman in a hard game."

#### CRISIS IN THE MIDDLE EAST

#### HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. SOLARZ. Mr. Speaker, the dark clouds of war continue to gather in the Middle East and a renewed outbreak of armed hostilities between Israel and her Arab neighbors becomes more of a possibility. The territorial integrity of Israel—in fact, her very existence as an independent nation—is increasingly jeopardized as the Arab States steadily increase their military capabilities and prepare for what most of them consider to be an inevitable armed confrontation with Israel.

Certainly this situation is being seriously exacerbated by the sale of military hardware by the United States to certain Middle East nations, such as the contract for some 60 F-5 jet fighters—and the training of their pilots—which was recently concluded between this country and Saudi Arabia. The delicate balance in the strife-torn area of the world has been gravely ruptured and the security of Israel is threatened even further.

Recently a very timely and perceptive discourse on the Middle East situation appeared on the Op Ed page of the New York Times. Written by Shimon Peres, the distinguished and very able Israel Defense Minister, this article, I believe, puts the current state of affairs into a proper perspective. While a lasting peace in the Middle East will, of course, require negotiations and some degree of flexibility by all parties, blanket concessions cannot and should not be granted. As Mr. Peres so aptly notes:

If we [Israel] conceded to Egypt all that she claims, she would still present the demands of the other Arab states as a condition for full peace. If we gave in to Syria, she would continue to present as a condition Israel's compliance with the extremist demands of the Palestinians.

Clearly, whatever agreement Israel may reach with one of her Arab neighbors must be honored by the others and she must not be expected to blithely concede to the demands of one Arab State, only to have another Arab country present a different set of demands. Israel is not adverse to making concessions but wants to receive "something real in return for these concessions."

Mr. Speaker, I believe Mr. Peres' article warrants full and careful consideration by our colleagues and by others as deeply troubled as I am over the ever-worsening crisis in the Middle East. I insert the article herewith for inclusion

in the RECORD and commend it to our colleagues' attention:

[From the New York Times, Jan. 9, 1975]

#### WAR AND PEACE IN THE MIDDLE EAST

(By Shimon Peres)

TEL AVIV.—What characterizes the situation in the Middle East is the dispute over predictions rather than positions. There are some who predict that war is about to erupt. And there are some who say the contrary—that chances have increased for a dialogue, however gradual and prolonged, that will lead to peace, after all.

The truth is that both sides have some basis in reality. The Arab nations seem to have entered a new transitional phase in which the traditional aggression and a new trend toward diplomacy are mingled.

The older, aggressive attitude relies upon numerous armies, the centrality of the militaristic effort in national life, large-scale Soviet supplies, and optimistic interpretations of the outcome of the 1973 war. The effective priority in the Arab world is still the military one.

This military effort is broad and varied: It includes terrorist actions as well as preparation for the renewal of all-out war. Arab leaders assert that their patience for political negotiations is bounded by time. If negotiations are not concluded quickly, and concluded to their satisfaction, the firing will resume.

But there is an opposing trend—faint, hesitant, almost diffident—anchored in the conviction that Arab grandeur is an internal matter related to economic development, social progress, the rehabilitation of cities, the opening of the Suez Canal.

Proponents of this trend add that in the final analysis what they see as a crumbling and wary Israel will have no choice but to surrender to Arab dictates phrased in diplomatic terms.

This trend claims to its credit the disengagement agreements, in which Egypt and Syria gained more territory by negotiation than they had gained by surprise attack.

Supporters of this trend do not yet subscribe to the idea of a compromise that would enable all the nations of the Middle East to live in peace; they still see diplomacy as a weapon in the struggle to bring about Israel's surrender.

The Arab renaissance movement and the Jewish renaissance movement coincided in time—the second half of the twentieth century—and in space.

After a long period of national oppression and social backwardness, the Arabs confronted themselves with a penetrating question: How did it happen that having held a place among the nations of the world foremost in art, language, technology, construction, and war, they had suddenly lost their capacity for progress, lost their political independence, and turned into an underdeveloped nation—backward, enslaved, wretched and oppressed?

What went wrong with the historic pace of the Arabs? Who was to blame for the failure, and where lay the key to overcoming it?

These are burning questions in the thinking of Arabs, who have tended to cast the blame on others and have begun to seek their lost grandeur on the battlefields.

If the Arabs lost their sense of progress, the Jews sought to recover their lost security. Jews had been at the forefront of human advancement.

They had distinguished themselves in many areas of philosophy, science, art and economics, but they had been and remained a quiet, peace-seeking people—a people willing to accept dispersal, ready to obey the laws of the lands they lived in. Despite all this, never was a nation so persecuted, everywhere—including in the Arab world. Jews were degraded, discriminated against, op-



pressed, threatened. Just as the Arab nation sought advancement, the Jewish nation sought security. In political independence Jews saw the sole guarantee of continued existence—physical and spiritual alike.

The energy that the Arabs invested in war, the Jews channeled into immigration—absorbing Israel's refugees, gathering up the remnants, forming an authentic core of farm and factory workers, builders and creators who would establish their home once again—a refugee for yesterday's oppressed.

What changed after the Yom Kippur war and what will yet change derives from the limits the Arabs have discovered in their new power.

During the war they amassed their maximum forces: a million armed men; thousands of tanks and planes; the peak of Russian technology; and abundant political support—from the Communist bloc, the African Continent, the Moslem community, the European market, the forum of the Big Four, and the assembly halls of the United Nations.

But despite their advantage of surprise and military initiative, they could not win.

The Arabs rank with the rich among nations. The Arab world occupies 8 per cent of the earth's surface. It commands 67 percent of the world's oil resources. It has huge currency reserves. Why has the nation that is wealthiest in resources remained so poor in terms of its populace? Why can oil be used for intimidation and not for advancement?

Oil has not only demonstrated power, it has also raised questions. This tremendous wealth is bound to give rise to new expectations in the Arab world if it hasn't done so already.

It is impossible to invest revenue only in the acquisition of arms and the buying of nations—to say nothing of rather disappointing wars. The fresh disappointment and the new expectations may constitute a latent antithesis to the Arabs' anti-Zionist thesis.

It is becoming increasingly clear that Zionism is not to blame for the Arab lag but that the backwardness is self-inflicted. Zionism does not impede the Arabs; they are held back by the waste of wealth and the disappointment of wars.

As an optimistic Israeli, I believe that the inclination toward dialogue and the development that has become apparent among the Arabs will ultimately lead to their self-deliverance—and self-deliverance is liberation from the folly of war.

But hopes are not to be combined with hard reality. The reality is that the Arabs continue to hoard iron, to forge it, and to raise it in threat.

By all indications, the Arabs intend to enlarge their armies by 50 per cent during the next five years.

Furthermore, the most extreme Arab nation, Syria, is also the most actively equipping herself. Just as we must hope, we must also be prepared. During this transition period, Israel must distinguish between contradictory situations and must do three things simultaneously: foster the new trend toward dialogue; repulse the traditional military threat; and prepare to emerge from the transitional phase, as a strong nation assured of her self-defense.

But fostering the trend toward dialogue is more easily said than done. This means sustaining different things—peace itself, the time required for negotiations, and the interests of the forces that support peace.

If full peace could be achieved with one of the Arab states, or general peace with all of them, I believe that Israel would be willing to agree to many and significant concessions.

However, the difficulty is not in her willingness to make concessions, but in receiving something real in return for these concessions.

If we conceded to Egypt all that she claims, she would still present the demands of the

other Arab states as a condition for full peace. If we gave in to Syria, she would continue to present as a condition Israel's compliance with the extremist demands of the Palestinians.

If we accede to Yassir Arafat, we create a new front of Ahmed Jabril, George Habash, and Nayef Hawatmeh, who call for total liquidation of Israel.

In the absence of a real chance for full peace now, we must examine the second alternative—an interval of time—since a period free from war is free for continuation of talks. The acquisition of time should not be underrated. The real problem is its price. There are some who demand that we pay for temporary peace the price of full peace.

The conclusion indicated here is that we can pay for a temporary settlement with a temporary agreement, which can be achieved when the Arabs are convinced that their military option offers them no more than that.

We cannot escape the fact that Israel is likely to be called upon to pay a price, so that other forces, including those friendly to her, can maintain their influence and guarantee their legitimate interests in the Middle East.

There is nothing wrong with that, and there is no point in ignoring a demand of this sort—again, on the condition that Israel not be required to give up assets that she is holding until the advent of real peace.

The chances for peace will flicker and fade the moment the Arab states, some or one of them, think they are militarily capable of defeating Israel.

Therefore, as absurd as it seems, Israel must make the greatest military effort especially at this time. During this transition phase we will have to establish the largest reserve army we have ever had, recruit the best of our sons for career service, fortify the borders of the country, rehabilitate vehicles and weapons, buy new armaments, broaden our independent production, and establish new positions along the new frontiers of the state. In short, we must persuade the Arabs that their grandeur will not be regained by war.

## FIRST SECURITY ATTACK ON GOLD

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. SYMMS. Mr. Speaker, I commend the following article from the Lewiston Morning Tribune of Sunday, January 12, 1975, to my colleagues. The column was written by Mr. Ralph Smeed, a noted libertarian economist in the State of Idaho, who as well as writing a column about Idaho politics is also co-editor of the Idaho Compass, a journal of fact and opinion about Idaho affairs.

Mr. Smeed's appraisal of the gold situation, I think, is quite succinct, and I must admit that I have been very amused to watch the mad scramble of money managers, through the vehicle of the news media and paid advertisement, to tell all the American people about the evils of gold. In the long run, there is no question that gold will win out over medicine-man political treatment which only delays facing the real reality—and that reality, of course, is that 2 plus 2 equals 4, not 22.

Three cheers to Mr. Smeed and his insight.

The article follows:

## FIRST SECURITY ATTACK ON GOLD

(By Ralph Smeed)

CALDWELL.—"First Security Banks will not sell gold. Why? . . ."

Thus began a series of large ads in newspapers throughout Idaho just prior to the legalizing of gold by the federal government on Dec. 31, 1974. The first time in 40 years it's been legal for U.S. citizens to own gold.

Some banks and other financial institutions have announced plans to sell gold to the public. But not First Security, no siree!

Now then, said ad was several times as large as the bank's usual ads asking citizens for their business. Ever wonder why the above ad was 400 per cent larger than their regular ad, the negative one so much larger than the positive one? And over the signature of the bank president?

For the benefit of readers who didn't see the ad, allow me to excerpt from this community leader and chief executive officer of the bank. I assure you I have no intention to distort the words of George S. Eccles, who signed the ad as president of the bank. So far as I know he is a fine and respected gentleman.

Mr. Eccles' ad said that to sell gold would be "contrary" to the best interests of our depositors, our local economy, and the economic health of our nation. It said "... gold no longer functions as money." "... a sterile commodity which makes virtually no contribution to the nation's economy and which fluctuates daily and often wildly in price."

The ad goes on, "It is not a surefire hedge against inflation. Gold prices are not regulated in the U.S." Punch line: GOLD IS BAD news.

Well, just for openers, gold DOES, too, function as money. This is so obvious I won't comment further. Mr. Eccles may have a point when he says gold "... isn't in the best interests of our depositors," i.e., the bank.

Sure, if people trade their savings accounts for gold what will the bank use for its loan money? Good point.

But what Mr. Eccles omitted is: Why are so many people doing just that?

Could it be that they are losing confidence in our printed money? This money has some pretty big risks, too. And just what is a surefire hedge against inflation?

Surely paper money and savings accounts are not being touted by the bank as having performed better.

I have no reason to think the bank nor its president insincere, ignorant, or trying to rip off the public. But the ad grates its size, the vehemence and tone of the message and signed by the First Security Bank's chief officer supervising the chain's some 120 branches in Utah and Idaho. Like Shakespeare's play Hamlet, however, methinks he "protesteth too much."

Let's see if we can figure out why this giant financial institution didn't merely stay out of the gold selling business instead of "protesting" so loudly, implying of course that gold ownership is such very bad news.

In the book "Capitalism The Unknown Ideal," published by the New American Library there is a chapter entitled "Gold and Economic Freedom." It is written by one of the few, perhaps the only, economic advisor to the president of the United States who favors gold, Alan Greenspan.

In a beautiful explanation of "the shabby secret of the welfare state advocate's tirades against gold, one of the paragraphs used by Greenspan stands out as particularly pungent.

"The abandonment of the gold standard made it possible for the welfare statists to use the banking system as a means to an unlimited expansion of credit. They have created paper reserves in the form of government bonds which—through a complicated series of steps—the banks accept in place of tangible assets and treat as if they were an actual deposit, i.e., as the equivalent of

what was formerly a deposit of gold. The holder of a government bond or a bank deposit created by paper reserves believes that he has a valid claim on a real asset. But the fact is that there are now more claims outstanding than real assets."

"The law of supply and demand is not to be conned. As the supply of money (of claims) increases relative to the supply of tangible assets in the economy, prices must eventually rise." "... When the economy's books are finally balanced, one finds that this loss in value represents the goods purchased by the government for welfare or other purposes (vote buying?) with the money proceeds of the government bonds financed by bank credit expansion."

This column intends no discredit to Mr. Eccles or his chain of banks. Nor does it intend to suggest that he is a statist, or even a liberal interventionist. He may consider himself a conservative. Many bankers do.

It is to suggest that as a business leader, financial and community leader and opinion molder, Mr. Eccles has indeed a responsibility to his country as well as his stockholders as his letter-ad suggested. But is this responsibility furthered by such a wanton disregard for the track record of Uncle Sam's money managers? This is entirely aside from the obvious question of "Who profits from this kind of bank credit expansion?"

I'm not concerned with the "Bildersburgers" or the Communists, real or imagined. I am concerned with nice-guy bankers who should know the cause of our headlong rush to national suicide via money inflation.

#### MALPRACTICE INSURANCE BECOMING PROHIBITIVE DUE TO INCREASE IN RATES TO PHYSICIANS AND HOSPITALS

##### HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. CARTER. Mr. Speaker, the increase in prices of malpractice insurance throughout the United States have been so tremendous as to almost be prohibitive to many physicians and hospitals throughout our country. The largest malpractice insurer, Argonaut, has withdrawn its coverage in many States throughout the country. In one instance, a group of three surgeons were offered insurance for approximately \$90,000 per year.

Such charges for a physician to stay in the practice of medicine or surgery will of necessity be passed on to patients who in many cases are already struggling to pay the costs of medical care. A solution must be arrived at which will provide insurance at reasonable levels. There are several alternative ways in which such insurance may be provided: First, by physicians themselves contributing to an insurance fund, the whole of which would be used as a fund to cover malpractice suits; second, the States might, by legislation, provide this insurance; or third, it could be provided by the Federal Government. In any instance it is necessary that the physician who practices in a particular field is well qualified to engage in such practice.

I include for the RECORD a report on the hospital in Richmond, Ky., in which hospital insurance prices jumped by 1,000 percent.

I also include a letter which has just reached me from an able barrister, the Honorable Ben D. Smith, of Somerset, Ky.:

[From the Madison (Ky.) County Newsweek, Jan. 18, 1975]

#### HOSPITAL INSURANCE PRICE JUMPS BY 1,000 PER CENT

An umbrella coverage insurance policy for Patti A. Clay Hospital has increased in price by 1,000 per cent, according to David Blackburn, administrator. The policy is called "general and professional liability insurance."

The \$1 million in coverage covers the hospital board, the Patti A. Clay Hospital Auxiliary (PACHA) and all who are employed there, but is exclusive of workmen's compensation and fire insurance.

Blackburn explained it this way. The hospital has been insured with Argonaut Insurance Company, the largest single insurer of hospitals in the nation, estimated at about 25 per cent.

In late December Blackburn said he was notified that the company was in serious financial condition. Within a 24 hour period the company fired their president and chairman of the board. They notified their customers they would be discontinuing all health care insurance due to their loss and would be canceling their least profitable policies.

Blackburn said the company stated no new policies would be written, that they would renew those policies falling due after the first of the year only through March 31, at which time all their policies would be cancelled.

The administrator said this placed PAC in a most difficult situation since their policy expired at midnight January 15. New coverage was immediately sought through local agencies and several insurance brokerage firms.

Argonaut has now increased premium prices 10 fold. Blackburn said for the year 1974 the general and professional liability coverage policy cost the hospital about \$7,900.

The new statement from Argonaut projected the annual price at \$35,661, which means that for the period from January 16 through March 31, the policy will cost \$7,200 which is almost the entire amount paid in 1974, as pointed out by Blackburn.

The only bid which PAC has received thus far for coverage would cost the hospital \$79,000. "We would immediately have to come up with a down payment of \$58,000," Blackburn stated.

He explained the insurance breaks down into a three part policy:

For the total number of beds (103) in the hospital, \$58,000;

For the number of outpatient visits (mainly the emergency room) per year \$9,000 which is based on 19,000 visits last year;

For excess coverage \$12,000.

This would give a total coverage of \$1 million coverage for the umbrella policy.

The \$58,000 figure for 103 beds is based on 100 per cent occupancy, meaning that if the hospital fails to have 100 per cent occupancy at the end of the year it would receive a percentage rebate.

Blackburn said it was not feasible the hospital would have 100 per cent occupancy, however, it would still have to pay the \$58,000 down payment initially.

For the time being PAC has renewed the policy with Argonaut, but Blackburn says he is continuing vigorously to find an insurance carrier with more competitive prices.

"We are told that the 1,000 per cent price increase is because of large settlements made against some hospitals in the country," Blackburn related. "However, no significant

settlements have ever been collected against PAC."

The administrator related that if the hospital had to pay \$79,000 for the insurance, eventually room rates would have to be increased to cover operational expenses.

He anticipated room rates would increase by \$2.20 per day and emergency room visits by \$1.50. Present rate for a semi private room is \$53.40. The emergency room fee is now \$10.

SMITH AND BLACKBURN,

Somerset, Ky., January 20, 1975.

HON. TIM LEE CARTER,  
Rayburn House Office Building,  
Washington, D.C.

DEAR DR. CARTER: I received your interesting letter dated January 9th regarding the medical liability insurance situation in Kentucky. I appreciated the information you gave me regarding the work being done in the different states with reference to the situation. As I stated in my letter a few days ago, if we had to wait until the state of Kentucky works out a solution it would probably be several years in the future and by that time, we might not have any doctors.

Our hospital has finally arranged for a \$500,000.00 coverage policy with an enormous premium of \$87,514.00 which is certainly unreasonable and of course the patients will have this charge passed on to them. I understand this is cumulative for one year and every time a claim has to be paid if any, the principal sum of \$500,000.00 is reduced for the amount of each claim.

I will keep you informed of the local situation.

Sincerely,

BEN D. SMITH.

#### MAJOR NEED FOR CONFIDENCE

##### HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. BOLLING. Mr. Speaker, I call the attention of my colleagues to the following column on the national economy by Hobart Rowen which appeared in the Washington Post of January 19, 1975:

#### MAJOR NEED FOR CONFIDENCE

(By Hobart Rowen)

We have now had a dramatic reversal of government economic policy. The same President who a few short months ago argued for a tax increase favors a substantial tax cut. Instead of asking citizens to be prudent budget-cutters (displaying their WIN buttons), President Ford now encourages them to get out there and spend some money to create new jobs.

This is not said in a critical sense. President Ford deserves credit for making the fight against recession the top priority, and giving the anti-inflation struggle second or third place.

But the question is whether the sharp turn in policy will generate a renewal of confidence in government that is necessary to make spenders, rather than savers, out of the average man and woman who gets the jitters as the unemployment rate skyrockets.

Economist Jay Schmiedeskamp, who conducts consumer surveys for the University of Michigan, observes that "people who have been afraid of the future have to believe that (an anti-recession program) will succeed before spending is stimulated."

In the past several months, a great deal of fear has been generated in this country. The collapse of the stock market, the failure of banks here and abroad, and the refusal of President Nixon and—until now—of Presi-



dent Ford to take responsible action have raised the spectre of another depression, 1930s style.

The numbers certainly look bad. Real gross national product suffered a stunning 9.1 per cent decline in the fourth quarter—the fourth consecutive drop. And the slide is far from over.

President Ford himself felt constrained to assure Congress that although the "State of the Union is not good," there would not again be a Great Depression. Most economists in both parties agree with that assessment.

Still, the question of how effective President Ford and Congress can be in meeting the urgent need to get the economy moving again is a nagging one. It is essential, now that the President has confessed that his Oct. 8 WIN program was a bust, for the Democratic-controlled Congress to abandon any thought of partisan gains, and get the tax-cutting job done—and done fast.

Even so, tax action won't start to perk up the cash register before midyear unless there is a good psychological reaction in advance. A White House analysis of how the tax cut and proposed higher energy taxes mesh shows that there will be no significant stimulus to the economy before mid-year.

It therefore is more important to get some kind of tax cut through the Congress than anyone's pet scheme, although a larger cut, and one weighted in favor of low-income groups (as suggested by the labor-management committee and others) is more desirable.

This is important not only to stem the extraordinary slide in the economy, but to prevent the forces of recession, already seriously under way in many other parts of the world, from accelerating. President Ford accurately observed that "economic distress is global" and that "the state of the world" depends heavily on the restoration of health to the U.S. economy.

The President and some of his aides have been trying to suggest that the redistribution of \$30 billion to be raised by higher energy taxes will continue to stimulate the economy after the \$12 billion, one-shot rebate (in two installments) is finished with in 1975.

A fact sheet issued by the White House indicates that the stimulus to the economy from the "permanent" tax reductions based on the energy program would boost the economy in a modest way into 1976.

But then it will be totally offset by higher taxes and higher prices for petroleum-based products, which would be equally permanent.

A final point needs to be made in assessing the question of the public's confidence in its government. Much has been made of the fact that the economy has deteriorated with astonishing speed since the President held his economic summit meetings last September, stressing inflation as the "Number One problem." And that is true.

But the country has been in a recession for well over a year, following a period of reduced exuberance as 1973 came to an end. There were many and repeated warnings, going back to early 1974.

Mr. Nixon, beset by Watergate, couldn't admit that the economy was going down the drain. He was aided and abetted by his chief economist, Herbert Stein, and former Treasury Secretary George Shultz.

You can't fight a recession while denying its existence. That has also been the country's problem under Mr. Ford until now. The nation deserves something better than an anti-recession program brought to Congress at least a year after it had started. This points to the need for better economic planning in Washington because, to be effective, the kind of shift in policy Mr. Ford made last week needs to anticipate, not follow, developments in the economy.

Delayed so long, Mr. Ford's new conceptions about what must be done cannot be expected to produce an instant miracle. Policies can be changed 180 degrees overnight, but the American economy is too huge to move that quickly.

## PUBLIC ENERGY ACT

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. ROYBAL. Mr. Speaker, in the last few months the people of this country have witnessed the crippling side effects of the growing energy crisis. Eight million people are now out of work. We are simultaneously confronted with the worst inflation and deepest recession of the postwar era.

Europe and the rest of the industrialized world are facing similar economic trends. Thus, the energy crisis and its side effects have made us more aware of the importance of energy in our lives and established the significance of certain facts.

First, the American people have learned that each segment of the Nation's economy is interrelated and interdependent, and every part relies on a sufficient and uninterrupted flow of energy.

Second, there is little question that the shortage of energy can be traced in part to the decision of the major oil companies, whether made individually or collectively, not to expand refinery capacity in spite of the growing demand for energy. In the past, the decisions of private entrepreneurs have been motivated by the desire to maximize profits rather than by the welfare of the country. It is intolerable that this country should continue to allow wholly private, profit motivated decisions to determine policy in a commodity that is the lifeblood of this country's economic well-being.

Finally, although almost every American is making some sort of sacrifice to conserve energy and is suffering inconvenience as a result of the energy crisis, the oil companies are not being called upon to make any sacrifice. Rather, they are experiencing a tremendous growth in profits as a result of the shortage. In 1974, each of the seven major oil companies reported significant profit increases over their 1973 results.

The oil industry today provides a textbook example of the economic concentration that can occur in an industry controlled by a few powerful companies. Over the past two decades, concentration in crude oil production has increased dramatically. In 1952, the 20 largest companies accounted for 48 percent of the U.S. crude oil production. By 1960, the figure had climbed to 62 percent, and in 1970, to 70 percent.

The same economic concentration has occurred in the transportation facilities used by the oil companies. Over the past two decades, concentration in crude oil has increased dramatically. In 1952, the 20 largest companies accounted for 48 percent of the U.S. crude oil production.

By 1960, the figure had climbed to 62 percent, and in 1970, to 70 percent.

The same economic concentration has occurred in the transportation facilities used by the oil companies. The major oil companies now own or lease approximately 40 percent of the oil tankers in the non-Communist world, amounting to nearly half the tonnage. Further, almost 70 percent of the oil pipelines in the United States, handling most of the bulk land movement of oil, is owned or controlled by the major companies.

Marketing is still the most competitive segment of the oil industry. But even here, there is a disturbing trend toward concentration, as many independent dealers have been forced to close, and some of the major oil companies have announced plans to close their entire operations in some States.

Consistent with the concentration in other elements of the industry, the major oil companies also control the majority of the refineries. In 1920, the top 20 firms controlled 53 percent of the crude domestic refining capacity. In 1950, this figure had reached 80 percent, and by 1970, stood at 66 percent. Today, the four largest oil firms control 33 percent of the refineries, and the top eight, a staggering 53 percent of the refineries.

Today, I have introduced a bill which strikes a balance between the need for energy at a reasonable cost and the need to insure a reasonable rate of return on invested capital for the oil refineries. In 1920, the top 20 firms controlled 53 percent of the crude domestic refining capacity. In 1950, this figure had reached 80 percent, and by 1970, stood at 86 percent. Today, the four largest oil firms control 33 percent of the refineries, and the top eight, a staggering 53 percent of the refineries.

Today, I have introduced a bill which strikes a balance between the need for energy at a reasonable cost and the need to insure a reasonable rate of return on invested capital for the oil refineries. My bill, affecting approximately 129 companies controlling 282 refineries, will end vertical integration in the oil industry, and bring the refining industry under the regulatory umbrella of the public utility concept.

Title I of my bill prohibits any person engaged in refining energy resource products from acquiring an interest in a firm engaged in extracting, transporting, or marketing of energy resource. Firms that are presently vertically integrated are ordered to divest their extracting, transporting, and marketing assets within 3 years of the passage of this bill.

The Attorney General and the Federal Trade Commission are to commence an independent investigation of the relationships of persons now engaged in one or more branches of the energy industry.

Title II of the bill establishes a five-person Federal Energy Commission, with one member to be a representative of consumer interests. The Commission will have the power to divide the country into regional districts which shall be served by the refineries designated by the Commission.

The Commission also has power to set the prices charged by refiners of their

products. These prices must insure a fair rate of return on invested capital for the refiner.

The bill prohibits any person from granting an undue preference to any other person with respect to refined products, or maintaining any unreasonable difference in rates between customers.

The Commission may set the price of energy resource products at any point of the chain of sale if it finds that such action is necessary to avoid excessive prices to the ultimate consumer.

Finally, the Commission may set the price of energy resource products imported into the United States if it finds that the action is necessary to avoid serious interference with the operation of the regulatory program established in the bill.

#### OVERSEAS CITIZENS VOTING RIGHTS ACT OF 1975

#### HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. FRENZEL. Mr. Speaker, I rise today, with my distinguished colleague from Pennsylvania, Mr. DENT, to reintroduce the Overseas Citizens Voting Rights Act of 1975.

In the 93d Congress, we took action to eliminate many of the inequities built into our elections system. However, as we know best, there are many problems left to be solved by this and future Congresses. Despite valiant efforts by the gentleman from Pennsylvania, for whose leadership I am particularly grateful, the Overseas Citizens Voting Rights Act of 1975 did not pass the House, even though it passed the Senate by a strong majority.

The bill is intended to correct the current prohibitions on voting in Federal elections faced by many of our American citizens living overseas. The number, as you have been told, is reliably estimated to be over 750,000 and includes people from every walk of life. These people, due to State imposition of local residency requirements in Federal elections, are frequently denied the right to vote, denied freedom of movement to and from the United States, and denied due process and equal protection under the 14th amendment.

Currently, in every State and the District of Columbia, the typical American citizen cannot register and then vote absentee unless he had specifically declared, and could then legally prove a firm intent to return to his previous home State. However, even if he were able to do so, which is frequently not the case, his opportunity to vote is only made feasible in 29 States. These 29, including the District of Columbia, have statutes which specifically provide for absentee registration for those "citizens temporarily residing abroad" who are able to prove their intent to return.

Twelve States generally allow absentee registration, but do not specifically refer to overseas rights and, in several cases, impose residency requirements so stringent as to require the maintenance of a home or abode in the State. Eight States allow absentee voting, but not absentee registration, by nongovernmental overseas voters. Two States actually require all nongovernmental overseas voters to register and then vote in person. However, virtually all 50 of the States have provisions permitting military personnel and some other Federal employees to register and vote overseas. The facts paint a picture of discrimination in voting rights which I believe we have the responsibility to reform.

The bill which we are introducing today proposes that to vote by absentee ballot, an American citizen residing abroad must, first, have voted or last been registered to vote in the State applied to or was last domiciled therein; second, comply with the normal requirements for absentee balloting; third, be qualified to vote in the State or district with the exception of failing to maintain a domicile, residence, or place of abode; fourth, not be registered in any State or district; and fifth, possess a valid passport or card of identity and registration issued by the Secretary of State. A standard application form is prescribed but no State is forced to use the model form. The application must be made no later than 30 days prior to any Federal election.

The bill also contains a penalty of \$5,000 of 5 years' imprisonment, or both, for impeding the implementation of the act and a \$10,000 fine or 5 years' imprisonment, or both, for fraud in voting under the act.

However, I want to make it very clear that the bill will not impose registration where none exists, or prevent a State or election district from adopting a less restrictive system, or affect in any way a citizen's determination of residence for the purpose of any tax lawfully imposed. Its sole purpose is to provide a way for U.S. citizens residing outside of the United States to register and vote without making one, or two, costly trips home to do so.

In guaranteeing basic constitutional rights, it is important that every American citizen residing abroad have a reasonable opportunity to participate in the election process. I, along with my distinguished colleague from Pennsylvania (Mr. DENT), urge all Members to join us in our efforts.

H.R. 16817

A bill to guarantee the constitutional right to vote and to provide uniform procedures for absentee voting in Federal elections in the case of citizens who are residing or domiciled outside the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Overseas Citizens Voting Rights Act of 1974".

#### CONGRESSIONAL FINDINGS AND DECLARATIONS

SEC. 2. (a) The Congress hereby finds that in the case of United States citizens domiciled or otherwise residing outside the United

States, the imposition and application of a State or local residency or domicile requirement as a precondition to voting in Federal elections and the lack of sufficient opportunities for absentee registration and balloting in such elections—

(1) denies or abridges the inherent constitutional right of citizens to vote in Federal elections;

(2) denies or abridges the inherent constitutional right of citizens to enjoy their free movement to and from the United States;

(3) denies or abridges the privileges and immunities guaranteed under the Constitution to citizens of the United States and to the citizens of each State;

(4) in some instances has the impermissible purpose or effect of denying citizens the right to vote in Federal elections because of the method in which they may vote;

(5) has the effect of denying to citizens the equality of civil rights and due process and equal protection of the laws that are guaranteed to them under the fourteenth amendment to the Constitution; and

(6) does not bear a reasonable relationship to any compelling State interest in the conduct of Federal elections.

(b) Upon the basis of these findings, Congress declares that in order to secure, protect, and enforce the constitutional rights of citizens residing overseas and to enable such citizens to better obtain the enjoyment of such rights, it is necessary—

(1) to abolish completely for citizens residing overseas the domicile and residence requirements as preconditions to voting in Federal elections, and

(2) to establish nationwide uniform standards relating to absentee registration and absentee balloting by such citizens in Federal elections.

#### DEFINITIONS

SEC. 3. For the purposes of this Act, the term—

(1) "Federal election" means any general, special, or primary election held solely or in part for the purpose of selecting, nominating, or electing any candidate for the office of President, Vice President, Presidential elector, Member of the United States Senate, Member of the United States House of Representatives, Delegate from the District of Columbia, or Resident Commissioner of the Commonwealth of Puerto Rico;

(2) "State" means each of the several States and the District of Columbia;

(3) "United States" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands, but does not include American Samoa, the Canal Zone, the Trust Territory of the Pacific Islands, or any other territory or possession of the United States; and

(4) "citizen residing overseas" means a citizen of the United States who is domiciled, or otherwise residing outside the United States, and who has a valid Passport or Card of Identity and Registration issued under the authority of the Secretary of State.

#### RIGHT OF CITIZENS RESIDING OVERSEAS TO VOTE IN FEDERAL ELECTIONS

SEC. 4. (a) No citizen residing overseas shall be denied the right to register for, and to vote by an absentee ballot in any State or election district in any Federal election solely because at the time of such election he is not domiciled or otherwise residing in such State or district and does not have a place of abode or other address in such State or district if—

(1) he last voted or last registered to vote in such State or district, or if he did not so register or vote, was last domiciled in, such State or district prior to his departure from the United States;



(2) he has complied with the requirements concerning the casting of absentee ballots applicable in such State or district (other than any requirement which is inconsistent with this Act); and

(3) he is qualified to vote in such State or district but for his failure to maintain residence, domicile, or place of abode in such State or district;

(4) has not registered to vote and is not voting in any other State or election district or territory or possession of the United States; and

(5) has a valid Passport or Card of Identity and Registration issued under the authority of the Secretary of State.

#### ABSENTEE BALLOTS FOR FEDERAL ELECTIONS

Sec. 5. (a) (1) Each State shall provide by law for the registration or other means of qualification of all citizens residing overseas and entitled to vote in a Federal election in such State pursuant to section 4(a) who apply, not later than thirty days immediately prior to any such election, to vote in such election.

(2) Each State shall provide by law for the casting of absentee ballots for Federal elections by all citizens residing overseas who are entitled to vote in such State pursuant to section 4(a), and if required by State law have registered or otherwise qualified to vote under section 5(a) (1), and who have submitted properly completed applications for such ballots not later than seven days immediately prior to such election and have returned such ballots to the appropriate election official of such State not later than the time of closing of the polls in such State on the day of such election. In the case of any such properly completed application for an absentee ballot received by a State or election district, the appropriate election official of such State or district shall as promptly as possible in any event, not later than (i) seven days after receipt of such properly completed application, or (ii) five days after the date the absentee ballots for such election have become available to such official, whichever date is later, mail the following by airmail to such citizen:

(A) an absentee ballot,

(B) instructions concerning voting procedures, and

(C) an airmail envelope for the mailing of such ballot.

(b) (1) In the case of a citizen residing overseas, a State or election district may accept as an application for an absentee ballot to vote in a Federal election (and as an application for registration to vote in such election, if registration is required by such State or district) a duly executed overseas citizen Federal election postcard in the form prescribed by paragraph (2).

(2) The form of the overseas citizen Federal election postcard referred to in paragraph (1) shall be as follows:

(A) The card shall be nine and one-half inches by four and one-eighth inches in size.

(B) Upon one side, perpendicular to the long dimension of the card there shall be printed in black type the following:

#### FILL OUT BOTH SIDES OF CARD

#### POST CARD APPLICATION FOR ABSENTEE BALLOT FOR FEDERAL ELECTIONS

State or Commonwealth of \_\_\_\_\_  
(Fill in name of State or Commonwealth)

(1) I hereby request an absentee ballot to vote in the coming election:

(Presidential) (Congressional)  
(General) (Primary) \* (Special) Election.  
(Strike out inapplicable words)

(2) \* If a ballot is requested for a primary election, print your political party affiliation or preference in this box: (If primary election is secret in your State, do not answer)

(3) I am a citizen of the United States, and am qualified to register and vote in the

above State in Presidential and Congressional elections, even though I am presently residing outside the above State and the United States and such State may not be my current domicile, and— a. I last voted or was registered to vote in the above State. b. The above State was my last \_\_\_\_\_ domicile even though such State may not be my current domicile.

(4) I was born on (Day) (Month) (Year).  
(5) Until (Month) (Year) my home (not military) residence in the above State was (Street and number or rural route, etc.) in the county or parish of \_\_\_\_\_. The voting precinct or election district for this residence is (Enter if known).

(6) Remarks:

(7) Mail my ballot to the following address:

(8) I am NOT requesting a ballot from any other State, Territory or Possession of the United States, and am not voting in any other manner in this election, except by absentee process, and have not voted and do not intend to vote in this election at any other address.

(9) (Signature of person requesting ballot).

(10) (Full name, typed or printed).

Passport or Card of Identity and Registration Number \_\_\_\_\_

Expiration date \_\_\_\_\_

(11) Subscribed and sworn to before me on (Day, month, and year). (Signature of official administering oath). (Typed or printed name of official administering oath). (Title or rank, service number (if any), and organization of administering official).

#### INSTRUCTIONS

A. Type or print all entries except signatures. FILL OUT BOTH SIDES OF CARD.

B. Address card to proper State official.

C. Mail card as soon as your State will accept your application.

D. NO postage is required for the card if deposited with a U.S. Embassy, consulate, legation or other office of a U.S. Government agency, either within or outside the United States.

E. This card is an application to vote only in FEDERAL ELECTIONS. If you wish to request a ballot for State and local elections, as well as Federal elections, and are qualified to do so in your State, you can use the Standard Federal Post Card Application or other form accepted by your State for this purpose.

(C) Upon the other side of the card there shall be printed in red and blue type the following:

#### FILL OUT BOTH SIDES OF THE CARD

----- Official  
----- Mailing  
----- Address

#### OFFICIAL ELECTION BALLOTING MATERIAL—VIA AIR MAIL

To: (Title of Election Official)  
(County or Township)  
(City or Town, State)

(c) The overseas citizen Federal election post cards and the absentee ballots, envelopes, and voting instructions provided pursuant to this Act and transmitted to citizens residing overseas, whether individually or in bulk, shall be free of postage, including airmail postage, in the United States mail.

(d) The Administrator of General Services shall cause overseas citizen Federal election post cards to be printed and distributed to carry out the purposes of this Act, and he may enter into agreements with the Postmaster General, with heads of appropriate departments and agencies of the Federal Government, and with State and local officials for the distribution of such cards.

(e) Ballots executed outside the United States by citizens residing overseas, may be segregated from other forms of mail and placed in special bags marked with special

tags printed and distributed by the Postmaster General for this purpose.

#### ENFORCEMENT

SEC. 6. (a) Whenever the Attorney General has reason to believe that a State or political subdivision undertakes to deny the right to register or vote in any election in violation of section 4 or fails to take any action required by section 5, he may institute for the United States, or in the name of the United States, an action in a district court of the United States, in accordance with sections 1391 through 1393 of title 28, United States Code, for a restraining order, a preliminary or permanent injunction, or such other order as he deems appropriate.

(b) Whoever shall deprive or attempt to deprive any person of any right secured by this Act shall be fined not more than \$5,000, or imprisoned not more than five years, or both.

(c) Whoever knowingly or willfully gives false information as to his name, address, or period of residence in the voting district for the purpose of establishing his eligibility to register or vote, or conspires with another individual for the purpose of encouraging his false registration to vote or illegal voting, or pays or offers to pay or accepts payment either for registration to vote or for voting shall be fined not more than \$10,000, or imprisoned not more than five years, or both.

#### SEVERABILITY

SEC. 7. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of the Act, and the application of such provisions to other persons or circumstances, shall not be affected.

#### EFFECT ON CERTAIN OTHER LAWS

SEC. 8. (a) Nothing in this Act shall—

(1) be deemed to require registration in any State or election district in which registration is not required as a precondition to voting in any Federal election, or

(2) prevent any State or election district from adopting or following any voting practice which is less restrictive than the practices prescribed by this Act.

(b) The exercise of any right to register or vote by any citizen residing overseas shall not affect the determination of his place of residence or domicile (as distinguished from his place of voting) for purposes of any tax imposed under Federal, State, or local law.

#### AUTHORIZATION OF APPROPRIATIONS

SEC. 9. (a) There are authorized to be appropriated to the Administrator of General Services such sums as are necessary to enable him to carry out his duties under section 5(d).

(b) Section 2401(c) of title 39, United States Code (relating to appropriations for the Postal Service), is amended—

(1) by inserting after "title" a comma and the following: "the Overseas Citizens Voting Rights Act of 1974."; and

(2) by striking out "Act." at the end and inserting in lieu thereof "Acts.".

#### EFFECTIVE DATE

SEC. 10. The provisions of this Act shall take effect with respect to any Federal election held on or after January 1, 1976.

#### CHALLENGING LEGISLATIVE AGENDA

#### HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES  
Thursday, January 23, 1975

Mr. DEL CLAWSON. Mr. Speaker, before this Congress has organized to

tackle what must surely be the most challenging legislative agenda to face any Congress in recent years, the program begins to shape up more and more like an "instant replay" of the 93d and preceding. The "instant replay" is a useful device for demonstrating how a particular tricky football play was maneuvered, but it is hardly a useful adjunct to the legislative process. At this point in the RECORD I commend to my colleagues in the House the column by George F. Will which appeared in the Washington Post for Saturday, January 18. The article follows:

**FAVORING "RELIEF AND REFORM"**  
(By George F. Will)

Where two or three Democrats are gathered, there you will hear earnest talk about "meaningful leadership." But the day before the Democratic-dominated 94th Congress convened, a House Democratic study group smashed the world indoor record for frivolity.

Speaker Carl Albert released what Democrats call an "economic program." It begins with a bugle call: "The 94th Congress, convening at a moment of historic challenge to the American economy, must assume a responsibility for decisive and meaningful leadership."

Then comes a cataract of rhetoric, a fair sample of which is in the section on "immediate action goals." The Democrats stiffen their sinews, summon their blood, and give President Ford a lesson in sacrifice-seeking leadership. They come out foursquare for . . . "tax relief and reform."

How much relief? What kind of reform? The Democrats, meaningful leaders all, scramble this far out on the swaying limb: "(Relief) can be achieved by increasing the personal income tax exemption, the standard deduction and minimum income allowance, by reducing the weight of payroll tax liabilities upon the working poor, and/or by a system of individual tax credits. The (Ways and Means) Committee may wish to consider alternative or additional proposals."

High-risk politics is a heady vocation. So having endorsed cutting some taxes, somewhat, somehow, the Democrats throw caution to the winds: "The revenue loss thus suffered should be recouped to the extent reasonably possible by closing loopholes that now enable large corporations and wealthy individuals to pay little or no taxes at all."

At the risk of spoiling the fun—and what could be jollier fun than bashing "large corporations" and "wealthy individuals," and calling the bashing "meaningful leadership"?—I suggest that the Democrats read a book. It is Roger Freeman's "Tax Loopholes: The Myth and the Reality" (published by American Enterprise Institute).

Regarding "wealthy individuals," Freeman reports that in 1970 (a representative year) 15,211 (99.3 percent) of the 15,323 individuals filing tax returns reporting adjusted gross incomes of \$200,000 or more paid taxes. The adjusted gross income on these returns totaled \$6.2 billion. Taxable income totaled \$4.5 billion. Tax paid totaled \$2.7 billion. These taxpayers paid an average of \$177,161, or 44 percent of adjusted gross income, 60 percent of taxable income.

Just 624 returns reported adjusted gross incomes of \$1 million or more, and 621 or 99.5 percent of the individuals filing the returns paid taxes. They paid, on average, \$984,862, or 46 percent of adjusted gross income and 65 percent of taxable income.

In 1970 the sort of untaxed high incomes from which Democrats are going to "recoup" revenues involved a grand total of 112 returns. The incomes involved totaled just

\$47.5 million, or 0.8 percent of the \$6.8 billion of adjusted gross incomes over \$200,000.

Regarding "large corporations," it is worth remembering that most of the tax "loopholes" the Democrats want to close were opened subsequent to 1932, and most of them were opened subsequent to the Second World War. Congress opened almost all of them and tolerated the rest. Democrats have controlled Congress in 38 of these 42 years.

Drained of the emotional gas that politicians love to pump into it, the word "loophole" refers to a tax differential that is designed to provide individuals or corporations an incentive to undertake or increase activities which Congress thinks are in the national interest.

But a congressman only calls a "loophole" a "loophole" when he can profit from the innuendo that a small and unpopular group (e.g., oil companies) has done something corrupt. The "corruption" consists either of responding to a tax incentive (e.g., the oil depletion allowance) legislated by Congress, or of adhering to an Internal Revenue Service ruling (e.g., the ruling 20 years ago that permits oil companies to reduce their U.S. taxes by treating as income taxes various payments to foreign governments) that Congress has condoned.

In terms of broad social impact and cash value (especially for affluent Americans), the largest "loophole" is the provision allowing home owners to deduct interest on mortgages. No congressman denounces this "loophole."

Bear this in mind when reading the Democrats' "economic program." But read it. It is revealing. For that reason, pity the Democrats.

Everything was going swimmingly for them. Then they committed some thoughts to paper. Those whom the gods would destroy, they first give a mimeograph machine.

**CHILE REFUSES INTERPARLIAMENTARY UNION**

**HON. DONALD M. FRASER**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. FRASER. Mr. Speaker, the 61st Conference of the Inter-Parliamentary Union, meeting in Tokyo in October 1974, adopted a resolution urging the Chilean junta to restore "the Constitution and the rights and freedoms derived from it. \* \* \*". The Conference also established an observer mission to visit Chile. The IPU recently announced that the Chilean Government refused to allow the observer mission to visit Chile.

The Congress has banned U.S. military assistance to the Government of Chile. That decision was in keeping with the IPU's resolution urging "all countries to make efforts to insure that no military assistance and no material or moral support be given to the military junta. \* \* \*"

The wisdom of the decision by Congress to cut off military aid to Chile has now been confirmed by the junta's decision with respect to the IPU mission.

The documents follow:

**THE CHILEAN JUNTA REFUSES TO RECEIVE A MISSION OF THE INTERPARLIAMENTARY UNION**

After stating that a mission of the Inter-Parliamentary Union could, in accordance

with an "open-doors policy", go to Chile whenever its members so desired, the Chilean Government has reversed its decision at the last minute.

The mission was due to arrive in Santiago on January 15.

It was composed of Belgian Senator André Saint-Remy, of the Christian Social Party, Chairman of the Union's Committee on Parliamentary, Juridical and Human Rights Questions, and of the Venezuelan Deputy Luis Herrera Campins, Secretary General of the Association of Latin American Christian Democratic Parties.

The mandate given to the mission by the 61st Inter-Parliamentary Conference was to "ascertain the conditions of detention of the arrested members of Parliament."

The mission was therefore to visit the following 18 political figures who, according to the Inter-Parliamentary Union's information, are being held in various camps and prisons in Chile:

**SENATORS**

Ernesto Araneda, Luis Corvalan, Hugo Miranda, Jorge Montes, Erick Schnake, Anselmo Sule.

**DEPUTIES**

Laura Allende, Amanda Altamirano, Julio Anfossi, Carlos Gonzales, Claudio Huepe, Alejandro Jiliberto, Arturo Pérez, Segundo Ruiz, Camilo Salvo, Andrés Sepulveda, Luis Villalobos, Ivan Quintana.

It should be added that 2 members of the Chilean Parliament have been shot, and that some 40 are in exile.

The attitude of the Chilean Government will be made known to the Union's 74 member Parliaments and to its Special Committee which is carrying out an enquiry into the situation in Chile.

On learning of the Junta's decision as he was preparing to leave for Santiago, Senator Saint-Remy stated that he "deeply regretted this decision which deprived him of the possibility of visiting his former colleagues imprisoned in Chile and was likely to be interpreted by Parliaments as a sign that the Chilean Government was hardening its attitude towards the international community and especially towards democratic institutions".

**V.—FOR THE REESTABLISHMENT OF REPRESENTATIVE INSTITUTIONS, CONSTITUTIONAL RIGHTS AND FREEDOMS WITH A VIEW TO THE RELEASE OF MEMBERS OF PARLIAMENT AND OTHER POLITICAL DETAINEES IN CHILE**

The 61st Inter-Parliamentary Conference, Animated by the aims, objectives and principles of the Inter-Parliamentary Union,

Seriously concerned by the overthrow, by the military forces, of the constitutional and duly established régime in Chile,

Deeply troubled by the suppression, since September 11, 1973, of citizens' rights and freedoms, in flagrant contradiction of the standards and principles laid down in the Universal Declaration of Human Rights and in the International Covenant on Civil and Political Rights, which was ratified by the Republic of Chile in 1972,

Paying high tribute to the Chilean people, bravely fighting for its democratic rights and liberties,

Deploping that the military Junta, after due negotiations through its representative, denied permission to a mission appointed by the Inter-Parliamentary Union to visit Chile in order to ascertain the conditions of detention of the arrested members of Parliament,

Confirming the Inter-Parliamentary Council's resolution of October 25, 1973,

1. Calls for the immediate liberation of members of Parliament and other Chilean citizens detained because of their opinions;

2. Calls for the restoration of the Constitution and the rights and freedoms derived from it, in accordance with the free will of



the great people of Chile, without any foreign intervention of whatever nature or degree;

### 3. Decides

(a) to constitute, until the London Conference (September 1975) an *ad hoc* Committee of five members appointed by the Executive Committee to gather, by all means at its disposal, the information concerning the present situation in Chile. This information should be obtained from reliable sources, such as: duly recognized international organizations which have visited that country; in oral or written manner from former parliamentarians of Chile; from the National Groups of the Inter-Parliamentary Union. Two members of this *ad hoc* Committee will, as soon as possible, visit Chile to ascertain the conditions of detention of the arrested members of Parliament;

(b) that the information gathered must be sent to the Inter-Parliamentary Council, which will decide the forwarding of it officially to all the Parliaments and Governments of the world, in order to inform them of the existing conditions in Chile and to obtain from them the necessary moral support to bring about a change in these conditions as soon as possible, and which will take any other appropriate decisions;

4. Calls upon the Inter-Parliamentary Groups of all countries to make efforts to ensure that no military assistance and no material or moral support be given to the military Junta and to report to the Inter-Parliamentary Union on the initiatives they have taken;

5. Appeals to the Inter-Parliamentary Groups of all countries to bring this resolution to the attention of their Parliaments and to contribute to its application.

## BLEAK CHIC

### HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. BOLLING. Mr. Speaker, whether you are optimistic or pessimistic over our Nation's future, I think the following article by Rod MacLeish which appeared in the Washington Post of January 19, 1975, is worth reading:

#### BLEAK CHIC

(By Rod MacLeish)

One good way to beguile the mind on wet afternoons when there isn't anything else to do is to wonder whether we construct our philosophies from actual experiences or from our crotchets and inner mumblings.

It's a question of some pertinence just now because of a pervasive new philosophy which purports to explain everything and resolve our ambiguities at their lowest level of possibility. It is a philosophy that whimpers instead of banging and assumes that if everything isn't God-awful right now it will be soon. It is the philosophy of Bleak Chic.

As a general doctrine, Bleak Chic is a contrived case of the cosmic blahs. It holds that the past was a lie, the present a dreary swamp of ironies and that the future, if it comes at all, will be a radiant promise of everything frightful from ecological suffocation to The Big Bang.

Philosophically, Bleak Chic is built on two premises: Nothing Works and Everybody Is Suspect (except, of course the apostles of Bleak Chic who invest each other with a smarmy sort of virtue called Honesty or Candor because they believe that everything will turn out for the worst).

Upon these assumptive premises Bleak Chic discerns the world and catalogues all earthy joys:

Anybody who has power is Bad; anybody who believes in the improbability of men, nations and institutions is Out To Lunch; anybody who appears to be striving for the good of others is On An Ego Trip; anybody who loves his wife is looking for a Substitute Mummy; anybody who says he isn't paranoid Needs Help; watching television gives you cancer; Richard Nixon will be back, etc.

This, obviously, isn't your garden variety pessimism. Bleak Chic is a flat, damp place on the upper reaches of American social mobility. To embrace it one must employ the particular intellectual energies of the meritocracy.

Bleak Chic is the philosophy of fashion among people who got bachelor's degrees between 1945 and 1960, who read the top five books on the nonfiction best seller list and several of the leading novels. Bleak Chics subscribe to the Wall Street Journal daily, read the Sunday New York Times and The New York Review of Books. They no longer use the term "empathize"; they still say "media" and "ambiance" instead of "atmosphere."

Bleak Chic's adherents have finished psychoanalysis and don't take vacations in Europe because they've Done That. The doctrine appeals to socially prominent pediatricians, Washington correspondents who know too much, middle-level executives, housewives who have cleaning ladies twice a week and people who refer to Arthur Schlesinger Jr. as "Arthur" without knowing him.

Like all other philosophies, Bleak Chic has its own pedants, artists and mimes. Its College of Cardinals is The Club of Rome, an assemblage of experts which issued a fearful report, the details of which were incomprehensible to almost everybody except other experts.

The Erasmus of Bleak Chic is B. F. Skinner, the psychologist who theorized that the only way to keep children from becoming horrible adults is to raise them in boxes. Jean-Paul Sartre is the Aristotle of Bleak Chic because of his fundamental discovery that adults will be horrible no matter what you do to them.

Lennie Bruce is the official martyr of Bleak Chic because he was hassled by the fuzz for beating a snare drum and reciting dirty words in public and eventually died of an overdose which makes everybody else Guilty of Something. If you aren't guilty of Lennie Bruce you're guilty of being over 17 years old.

The principal psychic emission of Bleak Chic is a well-crafted threnody of self pity. Philip Roth is its master and is, therefore, the doctrine's Cervantes. In novel after novel Roth's Don Quixote staggers about the landscape tilting at monsters which are, in reality, the memory of all the rotten things women did to him.

Indeed, sex is Bleak Chic's favorite disappointment. The joyless ruttings of "Last Tango In Paris" illustrate the point; all of life's pleasures will eventually become dismal satiation. There were critical hossanahs not long ago for a movie about four guys who set out to eat themselves to death.

The politics of Bleak Chic—aside from believing that the United States is a terminal case of rot caused by its own hypocrisy and materialism, by the Congress, the Presbyterian church and Exxon—involves discovering the conventional wisdom of the moment and then refuting it. John F. Kennedy was, in reality, a warmonger, the welfare system is racist, the cover-up is still going on. Bleak Chic's political heroes are raised up more to shock the bourgeoisie than anything else. G. Gordon Liddy for President.

One criticizes Bleak Chic at a certain peril. It is a war with an equally banal optimism which holds, with Walt Disney, that man hasn't many moving parts and that the ones he does have are chrome-plated. The mirror-image of Bleak Chic's gloomy view of America is a sort of Scoop Jackson-truculent as-

sertion of righteousness through military power and progress computed in washing machine sales—love-it-or-leave-it with a college education.

Both doctrines—indeed, all overflows of optimism or pessimism—are designs for intellectual vacations. If you decide that everything is marvelous or that everything is dreadful then you don't have to think about anything.

As Bleak Chic gathers about us, it faces one major problem. Periodically good things happen. 1974 was a tricky year for Bleak Chic. The great, slatternly rumble of Watergate events arrived at a conclusion that was demonstrably just if not pleasant. The bad guys ended in the dock or in exile, the good guys lived on in an afterglow of justification. Power was used virtuously. People kept doing noble things.

And that seems to answer the original question at least as far as Bleak Chic is concerned. It comes not from actual experience but from our crotchets and inner mumblings.

## WHAT DOES IT MEAN TO BE AN AMERICAN?

### HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. WOLFF. Mr. Speaker, the events of the past few years have led many Americans to fear that our young people may have become so disillusioned with our country, its institutions, and even the people themselves that they have lost sight of our historical goals, and lost hope for the future.

But, Mr. Speaker, I am pleased to share with my colleagues today a small but heartening message of hope and dedication to the traditions and ideals of our Nation which I received recently from Miss Kelly Anne Conroy, a sixth-grade student at the Hawthorn School, in Massapequa, N.Y.

I am confident that so long as young people such as Kelly Anne continue to believe in and work for our country, we will remain on our proper path, and that those of us presently striving to lead the Nation need have no fears for the future.

The article follows:

## WHAT DOES IT MEAN TO BE AN AMERICAN?

(By Kelly Anne Conroy)

Most people in this country think freedom is only a word. It is much more than that. During colonial times, people in Europe were being persecuted simply because they had a different way of showing God that they loved Him. Many of them banded together and came to America. They fought a long and hard war to earn the right to be free. In the end they had achieved their goal and our founding fathers drew up the "Constitution of the United States."

Under the Constitution, all men and women have the right to practice the religion of their choice, newspapers may print what they want even if it is against our government, people may speak freely and when we are eighteen we can vote for whomever we want. Every person arrested is innocent until proven guilty in a trial by jury. This system of government has worked for one-hundred ninety-eight years.

This country is rich in natural resources. Because of this we depend very little on foreign trade. This did not make us greedy, instead we are generous to less fortunate nations. People from all over the world im-

migrated to this country to share our land. For this reason we are called "The Melting Pot." Considering we all came from different countries, we get along pretty well.

Freedom is not free. It is a very valuable possession. Many have died to preserve it for us. I am proud to be an American because I am free and I hope when I grow up, America will be proud of me.

## BLACK PRESS IN AMERICA

### HON. PHILLIP BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. PHILLIP BURTON. Mr. Speaker, I want at this time to call the attention of my colleagues to the importance of this Nation's black press. I do so as a salute to the National Newspaper Publishers Association meeting which opens today here in Washington at the Mayflower Hotel and brings together the national leadership of our black press.

Although the black press has been in existence for nearly a century and a half and has been a major force in the advancement of black Americans, it is not as well known and understood as it should be outside the black community.

The following article, authored by my close and long-time personal friend, Dr. Carlton B. Goodlett, president of the National Newspaper Publishers Association, highlights the economic importance of the black press in America today.

Text of article follows:

#### BLACK PRESS IN AMERICA

(By Dr. Carlton B. Goodlett)

It is time for us to take a new look at Black America, the people served by the Black press, and the changing circumstances which challenge the viability and very existence of the Black press.

We are a nation whose population is roughly 25 million, the second most numerous aggregation of Blacks within the confines of a nation on the face of the earth—second only to Nigeria with its population of 61 million. Only two of Africa's 52 nations are more populous than Black America: Nigeria and Egypt. There are 152 nations in the world whose populations are smaller than Black America's. Closer to home, of the 36 nations of both North and South America only three are bigger than Black America: White USA (184,000,000), Brazil (91,000,000) and Mexico (45,000,000).

#### HIGHLY DEVELOPED

In terms of education we are the most highly developed of any nation of Black people on earth, with approximately 7,500 physicians, 2,700 dentists, 4,000 attorneys, thousands of academicians and tens of thousands of public school teachers; and our Black youth in institutions of higher learning number 467,000—200,000 more than British students in Great Britain with its population of 55,000,000.

In terms of economics, we are a people with an income 9th largest in the capitalist world. Dr. Andrew Brimmer, member of the Federal Reserve Board, states that in 1972 Black Americans earned \$51 billion and, moreover, spent \$45 billion. Despite the economic disparity between the White and Black Nations—USA which places Black Americans in a disadvantaged position at home, when viewed internationally among

77 nations of the capitalist world Black America's income for 1972 was topped by only eight other nations, in the following order: United States of America, Japan, the Federal German Republic, France, the United Kingdom, Italy, Canada and India.

#### PRICE OF INEQUITY

India, with a population 22 times that of Black America, had a Gross National Product of \$52,920,000,000, only \$1.92 billion greater than the 1972 income of Black America. The Black share of the One Trillion One Hundred Twenty Billion Dollar U.S. Gross National Product was approximately 4.5 per cent, or a short-change of approximately 7.5 per cent. If Black Americans could gain equity and parity in the job market, it has been estimated that our income would increase between \$35 and \$55 billion a year. Moreover, every dollar placed in the marketplace adds \$3 to the GNP. The Black man in America, free of economic discrimination, would be able to enhance the Gross National Product from \$105-\$165 billion per year. (What a tremendous price the USA pays for racism!)

#### CHALLENGE IS AWESOME

The awesome circumstances challenging the Black press are perhaps most glaringly illustrated by the new sociological statistics, as Black America progressively becomes an urbanized nation. 25 U.S. cities now have Black populations in excess of 100,000, 16 metropolitan areas have Black populations exceeding 250,000. It is estimated that by 1980, 12 or 14 of America's 20 largest cities will elect Black mayors.

#### A POTENTIAL FORCE

For the totality of his American experience, the Black man has been caught up in the semantics of "individual freedom" as opposed to "freedom for the Black masses." Our unquestioning acceptance of the myth of individual vs. mass freedom has permitted the White majority to deal with the Blacks as "the 10th American", when in truth our strength lies in the collective concept that we are 11% of America, a force of 25 million.

#### THE BLACK PRESS

For 111 years since the Emancipation Proclamation the Black press has been a marginal business. It was not until the mid 1920's that Black newspapers began to receive advertising—the life's blood of newspapers in a capitalist society—from the White business community. Prior to this, the great Black newspapers existed entirely on circulation revenue. For the past 50 years White business has given the Black press a token amount of advertising, reflecting how little it comprehends of the emerging economic viability as well as the size of the Black Nation-USA.

The 20-billion-a-year advertising industry is one of the cornerstones of our society. In 1971, the 100 largest advertising agencies (White) placed \$1,900,000,000 worth of national newspaper advertising. Amalgamated Publishers, Inc., the only established national Black newspaper advertising representative, received less and 25.5 million worth of gross business, or less than 0.14% of available national advertising. Remember that a 2% expenditure for advertising based upon \$45 billion spent by Blacks in 1972 should have yielded hundreds of millions of dollars in advertising for the Black press (USA).

#### ADVERTISING IS IMPORTANT

Without advertising, the Black Nation cannot sustain even its present fare of publishing once a week. We are toying with the idea of developing home-delivery newspapers on Monday and Friday, with our paid established newspapers continuing to serve their communities on Wednesday. The Black press-USA is estimated at 200 to 250 publications, of which 90-95 are members of NNPA. More than 90% of all Black newspa-

pers are published only once a week. Three or four are published twice a week. The Atlanta Daily World and the Chicago Daily Defender are the two nationally recognized daily Black newspapers.

The Black newspaper publishers must now demand equity in advertising. The policy of the advertising industry has not been one of reciprocal response to the needs of the Black community, by more equitably distributing the advertising dollar—especially in dealing with the 9th wealthiest nation in the capitalist world, which has an annual income two to three times the present amount of U.S. foreign trade.

#### MUST CRACK BARRIER

The advertising industry must be charged with special task of instructing its clients in the wisdom of allocating a fair share of sustained advertising to the Black community newspaper. Such constructive efforts by the advertising agencies, prodded by Black entrepreneurship, would reflect the advertising industry's awareness of U.S. business' responsibility to the Black community, which contributes from 10% to 25% toward the gross income of such business as food, clothing, automobiles, alcoholic spirits, entertainment et al, and yet cannot maintain a viable community press because of their disproportionate share of advertising budgets.

#### CONSUMER MUST ACT

It is the right of every Black consumer to demand promotional and advertising monies derived from Black pocketbooks be returned to the Black community, so that the Black nation may maintain a Black-owned communications media which reflects its \$45 billion purchasing power. We predict that the returns in patronage and community goodwill from Blacks will increase the income of the advertisers commensurate with the advertisers' dollars invested in Black-owned community newspapers.

## THE BISHOP IS FIGHTING FOR REASON

### HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. MAZZOLI. Mr. Speaker, Mr. William Willoughby, writing in the Washington Star-News on January 18, 1975, delivers a very thoughtful and perceptive statement on the abortion-on-demand controversy.

Many Americans hold the erroneous belief that opposition to free abortion is a sectarian religious matter. Actually, as Mr. Willoughby demonstrates, opposition to abortion is grounded in natural law.

Since this week marks the second anniversary of the Supreme Court's ruling on abortion, Mr. Willoughby's article is particularly timely and thought-provoking:

#### THE BISHOP IS FIGHTING FOR REASON

(By William Willoughby)

Before Congressmen knock off their day's work next Wednesday they will have come to realize that there are millions of people around this country who are more than a little bit concerned about what has so rapidly become America's No. 1 killer—abortion.

And by the time 20,000 or more of them march around the Capitol Wednesday afternoon, ostensibly in view of its cross-street



neighbor, the U.S. Supreme Court, the nation itself should realize that it is a problem that once and for all is not the concern exclusively of the Roman Catholic Church. Roman Catholics will be the first to hope that America wakes up to the fact. Thousands of Eastern Orthodox and Protestant Christians, along with Jews, will be making the rounds.

Why all the activity on Wednesday? It happens to be the second anniversary of what is known as Black Monday—the day the Supreme Court ruled on some state abortion measure which opened the doors wide for virtually unqualified abortion.

The doors have been opened so wide, in fact, that in some places, as in the District of Columbia, the abortions actually outnumber the births. No right thinking person, it would seem, could feel at ease with that type situation going on and likely to get worse.

It is little wonder that Archbishop William W. Baum branded it a "monstrous evil" when he learned of the figures.

And, as I see it, it is little wonder that Arlington's Bishop Thomas J. Welsh is going to be out there Wednesday afternoon campaigning for all he is worth for an amendment to the Constitution that will guarantee the right to life of all people, particularly those who are unborn.

Welsh admits that it is an unusual thing for a bishop—especially one so recently on the job as he—to get out front with the people in such an effort. But were I a bishop I'm pretty certain I'd be out there with him. Possibly a number of other bishops will dare to brave the tirades of resentment that will come and join him.

The bishop is having read in all the parishes of his new diocese a letter that explains why he is willing to be up front campaigning. In effect the letter says that the teaching of the Catholic Church demands that voices be raised, that the teaching against abortion "has not changed and is unchangeable."

Right away people come up with the usual canard, asking why any religious group should be permitted to foist its particular moral beliefs on the rest of the public, especially in a country so diverse religiously as this country is. No church should.

But first of all, while the Catholic Church and the Eastern Orthodox Churches and the evangelicals among the Protestant churches, as well as the traditionalist Jews, hold strong views against abortion, that does not mean that it is sectarian. Far from it.

Welsh's pastoral letter argues—and any student of law or of nature would come up with this conclusion—that what the Christian Church and antecedent Judaism have codified regarding abortion is but a statement of natural law which can be arrived at by any person who has an ounce of reason within him.

Even if he never has or never will have a baby. Or she does not wear glasses shaped a certain way. Or live life by clichés.

Natural law is binding upon all men and women. Church dogma, in this case, is in line with that which can be discerned to be right by any person, whether that person has any knowledge of or concern for such a thing as Christianity or Judaism. Natural law transcends sectarianism.

The bishop says that, in any case, it is not the facts about abortion that society is arguing about today. "Candid pro-abortion doctors readily admit the humanity of the creature in the womb, and acknowledge that abortion takes the creature's life," he said.

What is at stake in the debate is "whether we shall, as a society, permit the killing to go on," he said. "Shall we classify some creatures that we all acknowledge to be human as less valuable than other humans, and allow them, though they are innocent of any crime, to be eliminated for the convenience of others?"

Welsh says that the Catholic Church has no choice but to answer the question with a resolute no—"not as a matter of political opinion or private speculation, but as a solemn duty before God."

There apparently has been some criticism that he is taking sides in a secular dispute about the country's civil law. Not at all, he says. It is not an optional question of diocesan policy.

"It is because I am taught by the Savior and Redeemer of Mankind that no constitution, no law, that opposes His law on a fundamental matter can be just or legitimate."

Well now, little old religion editors can be called to task for expressing support for such views. But since I have written stories which have gone across the country and have, in a completely unbiased way presented the views of those who are pro-abortion and since I will continue to do so when the occasion arises, I feel no problem in expressing myself a bit concerning Black Monday.

(I know my pro-abortion stories were presented unbiased because some of these groups have used them as reprints to promote their cause.)

But I admit I am biased on the abortion question. But not dishonest.

It is not alone because I happen to see things refracted through a Judeo-Christian prism. The fact that I have been endowed with reason and daily try to use it—at least once—could lead me to the same bias. I can't see any rule against reason that could be reasonable.

I hope those who do take me to task do not take comfort when they view a closeup on television of some of the nuts who inevitably will be attracted to the Black Monday demonstration. You know—you've seen them on television and even in news photos time and time again—the ones who have that hang-jaw look, who carry those ridiculous non-sequitur signs, who pass out those far-out tracts and who carry those oversized Bibles.

I'll have to admit that were I a photographer or a TV news director and if I didn't like the point of view a group represented and I saw some kooks I'd be tempted to get a good crack at them, too.

But that is hardly a fair presentation of the situation on their part.

Wednesday won't be the last Black Monday demonstration, I'm afraid. Another year will go by before the next one and in the meantime there rightfully will be all kinds of humanitarian efforts going on to stem the deaths caused by hunger and cancer and speed on the highways, and even through crime.

It would be unreasonable not to be concerned about the outcome of such efforts and not to do something about them where possible.

Is what Bishop Welsh is in there fighting for any less reasonable? After all, it is the No. 1 killer these days in America.

#### EXTENDING THE VOTING RIGHTS ACT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. RANGEL. Mr. Speaker, for many, many years in the past, blacks, women, and other minorities were deprived of their right to vote either by an outright denial of that right or by discriminatory poll taxes, literacy tests, and registration practices. Gradually, the denial of their right to vote and many discriminatory

practices were declared unconstitutional. The Voting Rights Act of 1965 represented a large step in the direction of full voting rights for all Americans. We still have a long road to travel, however. We must make postcard registration available, lengthen the hours that the polls are open, and provide transportation to the polls for those who have no means themselves.

The provisions of the Voting Rights Act of 1965 expire next August. Among these provisions is the ban on all literacy tests. A reinstitution of these tests would be a disastrous denial of the rights of those Americans who may not have had the benefit of a good education. We, as the representatives of the people, must vote to extend the provisions of this act as well as to outlaw other discriminatory practices.

A recent editorial by WPIX has well stated this position and is deserving of our attention.

The WPIX editorial on extension of the 1965 Voting Rights Act follows:

#### THE VOTING RIGHTS AMENDMENT

The idea that "eternal vigilance is the price of freedom" is normally applied to threats from the outside, but there are internal forces which require vigilance as well. As an example, the voting rights of a goodly number of citizens in New York and Connecticut could again be limited unless the Congress votes to extend some provisions of the United States Voting Rights Act.

This is a complicated and confusing issue, so some background is in order. Because literacy tests and other devices were used to deprive some of our citizens of their right to vote, Congress passed the 1965 Voting Rights Act, which outlawed such tests in a number of Southern states. Despite that, several other states, including New York and Connecticut, continued to use such tests. In 1970, while extending the provisions of the Act, Congress passed an amendment which outlawed all literacy tests in all fifty states. That provision is due to expire in 1975, and that would allow literacy tests to be re-instituted on a state by state basis.

The people who favor literacy tests are not necessarily bigoted or ethnically prejudiced. They believe that in this complicated age, it is imperative that those who vote have at least have the rudimentary skills required to read the ballot.

On the other hand, those who oppose literacy tests believe that they fly in the face of all that our country stands for. They believe that our efforts should be directed toward getting more people involved in the election process, not less.

After considering the matter, the Management of WPIX comes down on the side of those who favor continuing the ban on literacy tests.

We take that position because while we respect education and learning, we have seen that wisdom does not necessarily come only to those who read and write. Foolishness is often the native tongue of the highly educated, and the best and the brightest are sometimes led astray by the convolution of their own logic.

Mostly we favor continuance of the ban on literacy tests because, philosophical considerations aside, to re-instate them would be to rob some people who have been voting these past four years of a right they have come to cherish.

We believe that the Congress should amend the Voting Rights Act to continue the ban on literacy tests.

What's your opinion? We'd like to know.

## ARSENIC IN THE WORKPLACE

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. DOMINICK V. DANIELS. Mr. Speaker, the fact that arsenic is a poison is hardly newsworthy today. The fact, however, that daily over 1.5 million American workers are exposed in varying degrees to arsenic—a known cancer-producing agent—is indeed newsworthy.

Yet that is precisely the case for workers who earn their livelihood in the smelting process—where inorganic arsenic is a byproduct—and in industrial operations utilizing inorganic arsenic compounds.

No one disputes that arsenic can cause cancer. With this being the case, the solution seems simple; namely, eliminate exposure to the carcinogen or so minimize its risk that the level of exposure does not endanger the health of workers.

Illustrating this tragic situation in the workplace are Bill Richards and Rachel Scott in an article in the Washington Post, January 12, 1975. I want to call my colleagues' attention to an essential point raised by the authors: Despite strong evidence delineating the dangers of arsenic compounds and the existence of higher incidence rates of certain cancers in persons exposed to arsenic on the job, as compared to nonexposed members of the community, Federal minimum standards of so-called safe exposure levels have been based on a single, questionable 1963 study. This particular study is currently being challenged because employees surveyed were not compared to individuals working outside the smelting operation to ascertain if there were significant differences in respiratory cancer levels.

The Department of Labor this week finally proposed new and more stringent safety standards concerning maximum limits for arsenic exposure. A hearing by the Occupational Safety and Health Administration is scheduled for April 8, with public comments due by March 3.

Now is the time for vigorous public response to insure that standards adopted will not sacrifice the health of the American worker to other interests. OSHA must hear the full story—of lives needlessly terminated, of suffering endured by families and friends of workers afflicted with arsenic-caused cancers.

The final standards promulgated must require stiff controls on exposure and accurate compilation of health data, call for frequent and regular physical examinations of workers, and include rigid provisions mandating use of protective equipment.

The text of the newspaper article follows:

ARSENIC, INDUSTRY, AND CANCER  
(By Bill Richards and Rachel Scott)

Arsenic has gained a certain notoriety over the years as a parlor room poison—death by the teacup, administered by smiling spinsters seeking to polish off their victims in as gracious a manner as possible. But there is nothing gracious in the deadly evidence be-

ginning to emerge, far from the lace and the china teacups, that arsenic causes cancer and that a million or more American workers may be unwittingly putting their lives on the line through daily exposure to the chemical on the job.

Concern began growing last summer when two of the chemical industry's giants—the Dow Chemical Company and the Allied Chemical Corporation—admitted in an unusual display of corporate candor that workers who once handled inorganic arsenic at their Midland, Mich., and Baltimore pesticide plants were dying of lung and lymph cancer at an alarming rate.

Allied reported that among workers retired from its Race Street plant in Baltimore lung cancer was seven times that of other males in the city and lymph cancer rates were six times higher than expected. Dow's separate study at its now-closed Midland plant revealed a 32.9 per cent cancer rate among workers exposed to inorganic arsenic in the 1950s.

While the numbers covered by the studies are relatively small the implications for industry are enormous. Some federal health experts now concede that the inorganic arsenic menace may be as substantial in the workplace as that posed by the more widely publicized vinyl chloride cancer connection discovered a year ago.

Inorganic arsenic is a byproduct of the smelting process. Some 15 copper, lead and zinc smelters ship it to the lone processor in the United States, the Tacoma, Wash., plant owned by the American Smelting and Refining Company (ASARCO). Arsenic trioxide, an inorganic arsenic compound that is the most widely used form of the chemical, shows up in at least 44 different major industries by a federal count, from tinting windshields in Toledo to spraying roses in Texas. The United Steelworkers Union alone estimates that 40,000 or more of its workers may be exposed. Federal estimates of exposed workers run to 1.5 million.

While there are substitutes for arsenic in some secondary industries the most seriously exposed workers—in copper and lead smelters where inorganic arsenic is a major byproduct of the smelting process—are virtually condemned to further exposure, if industry spokesmen are to be believed.

In pleas to federal regulatory officials to keep the present exposure standards—which were in effect for Allied workers—the metal smelting industry claimed any change at this point would be economically disastrous.

## MISSED SIGNALS

It is hardly any secret that arsenic can cause cancer. The first suggestion that it might be a carcinogen was raised in 1820. But the Allied and Dow disclosures pose the cardinal question—why were workers exposed to hazardous amounts of arsenic in the first place?

Norman Herington, a spokesman for Allied Chemical, recently supplied one answer. "I'm sorry to tell you," he said, "that until 1973 we didn't have any suspicions that the conditions existing at (Allied's Baltimore plant) were causing cancer." According to Herington, "none of the manufacturers who were making arsenical compounds had any indications" there were cancer problems associated with inorganic arsenic.

Curiously, Allied, Dow, ASARCO and the other manufacturers, with billions of dollars in resources and stables of researchers, apparently managed to miss, or ignored, some disturbing warning signs—reports stretching back to the 1930s linking arsenic with several types of cancers.

"This isn't something new that is just bursting out," Dr. J. William Lloyd, a biostatistician for the National Institute for Occupational Safety and Health, said recently. The reason the companies missed the warning signs, said Lloyd, was because

"nobody was looking. Sometimes because they didn't want to look, and sometimes because they didn't think to look."

A few of the missed signals included:

Reports dating back to the 1930s of suspiciously high skin cancer rates among persons who had inorganic arsenic compounds prescribed for skin ailments. One study in 1966 noted that 21 skin cancers were observed among 180 patients who used inorganic arsenic preparations.

Findings by British researchers in 1948 that high lung and skin cancer rates were turning up among factory workers involved in the manufacture of sheep dip, containing inorganic arsenic.

A 1959 study of workers at an English nickel refinery, where ores contained a high arsenic content, showing 45 cases of lung cancer and two of skin cancer over a decade.

A study in 1969 by Drs. Frederick P. Lee and Joseph F. Fraumeni, of the National Cancer Institute, of 8,047 American metal smelter workers. The workers showed a three-fold excess of respiratory cancer mortality and, when they were heavily exposed for long periods to inorganic arsenic, as much as eight times the expected mortality rate.

## BASIS FOR STANDARDS

The cornerstone study, however, accepted until recently as indisputable evidence on the potency of arsenic and used as the basis for the present arsenic exposure standards, was done by Dr. Sherman Pinto in 1963. Pinto's research team studied 229 deaths among copper smelter workers exposed to 5 milligrams of inorganic arsenic per cubic meter of air at ASARCO's Tacoma plant—the current federal exposure standard—and compared them to other workers at the smelter who he claimed were not exposed. He discovered almost no difference between the two groups and concluded that chronic exposure to arsenic did not cause excess amounts of respiratory cancer.

Industry quickly pounced on the study done by Pinto—who was then medical director of the same ASARCO plant in Tacoma—disregarding the contrary evidence.

Worse still, Pinto's findings became the basis for the present federal standards for inorganic arsenic exposure after they were accepted by the American Conference of Governmental Industrial Hygienists (ACGIH), a quasi-official body which, until 1970, was the only organization setting standards for toxic dusts and fumes in the workplace.

The ACGIH standards were incorporated into the old federal Walsh-Healey Act, which regulated working conditions for plants operating under federal contracts, and were adopted by the states in their regulations as well. With the passage of the Occupational Safety and Health Act of 1970, the Pinto-based standards were again called upon.

Despite the reliance on Pinto's data by the ACGIH and later the Occupational Safety and Health Administration (OSHA), which adopted the current federal arsenic standards, a number of federal investigators are now convinced that the Pinto findings are seriously flawed.

As early as 1969, Lee and Fraumeni pointed out in their study that Pinto's conclusions compared exposed and non-exposed smelter workers but neglected one critically additional step—Pinto failed to compare his two worker groups with others outside the plant. The two researchers noted that while Pinto seemed correct in saying there was little difference between cancer levels inside the smelter, the plant population as a whole showed lung cancer rates as much as three times the general population.

Pinto, contacted last week by The Washington Post, acknowledged that no comparison had been made in his study with people outside the plant. "The criticism has been raised about non-exposed people," he said.



"I don't believe it too much. I don't pay much attention to it."

#### ASARCO ASSURANCES

At the latest round of federal hearings last September to explore new exposure standards for inorganic arsenic, ASARCO showed up as the major arsenic industry witness, with a panel of experts including Pinto, now a semi-retired consultant to the giant smelting company. Prudently, Pinto kept in the background and let ASARCO's other spokesmen assure the federal representatives that there was little cause for alarm and certainly no reason to tighten up the prevailing standards.

ASARCO once again hauled out the original Pinto study, saying that the findings, and an update also done by Pinto, indicated there did not seem to be any increased mortality from arsenic exposure among the Tacoma smelter workers. With this, ASARCO called for retaining the current exposure standard and suggested an independent study of the findings of their colleagues at Dow and Allied.

What they neglected to mention was that in addition to the heavy criticism of the original Pinto study the update was attacked last year by Dr. Samuel Milham Jr., a chronic disease epidemiologist for the Washington State Health Department, for its lax handling of statistics.

Milham pointed out that Pinto neglected to include in his study of smelter workers the secondary cause of death listed on death certificates. If a worker had pneumonia on his death certificate as the primary cause of death Pinto listed that—and skipped the notation that the man also had lung cancer. "We found that he missed 25 per cent of the lung cancers at a conservative estimate," Milham said. In fact, instead of the 18 lung cancers predicted by standard mortality tables for Pierce County, Wash., smelter workers, Milham discovered 40.

Asked about Milham's findings, Pinto said, "In my own mind I'm quite sure that my material is accurate." Nevertheless, he said he had turned over all the material he had on deaths to Dr. Phillip Enterline, professor of epidemiology at the University of Pittsburgh, for an "outside" analysis.

"The criticism has been raised that I'm not a professional codifier so now the information is in the hands of a professional. He's a highly regarded expert in his field and I think industry is doing the right thing when they get an unbiased opinion like his."

Enterline, Pinto noted, received a contract seven years ago from ASARCO to do consulting research for the company. The choice of the Pittsburgh research this time was suggested, according to Pinto, by ASARCO's vice president, Kenneth Nelson. It was Nelson who testified at the OSHA hearing last fall for ASARCO in defense of Pinto's earlier findings.

Nelson told the OSHA investigators at the hearing that a decision to cut back on exposure levels among its workers could be financially ruinous for the company and later said it could force the shutdown of lead and copper smelters throughout the West.

"There is absolutely no conflict of interest (in the choice of Enterline)," Pinto said last week. "He would be the first to tell me if I were wrong."

#### THE "22 MILESTONES"

What happens now concerning arsenic is up to OSHA, but the preliminary indications are not encouraging. In an interim report following the hearing the National Institute for Occupational Safety and Health, OSHA's own research arm, flatly declared that inorganic arsenic is a carcinogen and "any exposure to inorganic arsenic in excess of background levels should be considered an unacceptable risk" until new data are available.

OSHA dutifully accepted their comments, filed them away, and embarked on what is known in the agency as the "22 milestones"—the steps it must take before setting out a

permanent standard for arsenic exposure. Among those steps is the consideration of relevant research data on arsenic. OSHA staffers handling the project acknowledged recently that high up on the list of research still considered "significant" are the two Pinto studies.

Moreover, there appear to be strong indications that OSHA may end up compromising the safety of workers exposed to inorganic arsenic for the economics of the chemical and smelting industry.

"Whatever we do must be feasible, regardless of what NIOSH recommends," James Foster, a spokesman for OSHA, explained recently. "NIOSH specifically deals with the scientific, medical and technical aspects of this. On the other hand it's our job to look at what this is going to cost industry as well as those other things."

No matter what OSHA decides to do, traveling the 22 milestones is certain to take the agency far into 1975 before any tougher standard is set to protect workers from a known carcinogen. And almost certainly the process will involve another public hearing and yet another appearance of Dr. Sherman Pinto and his arsenic study.

#### MICHAEL KOMICHAK—MAN OF THE YEAR

#### HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. GAYDOS. Mr. Speaker, the Ukrainian Technological Society recently honored a Pittsburgh area man who has dedicated most of his adult life to fostering and preserving the heritage of the Ukrainian people.

Selected by the society as its 1974 Man of the Year was Mr. Michael Komichak, assistant general manager, chief engineer, and on-the-air personality of WPIT-AM and FM, who has earned the reputation as the "Voice of Ukraine" for thousands of people in Pennsylvania and surrounding States.

Mr. Komichak, who was the unanimous choice for this year's award, cited for his efforts in helping—

Raise \$60,000 in western Pennsylvania for the establishment of three professorships in Ukrainian history, literature, and language at Harvard University.

Settle dozens of displaced families fleeing communism after World War II and assisting them in becoming U.S. citizens.

Collect funds for construction of the American Museum of Immigration near the Statue of Liberty in New York City.

Promote activities of Ukrainian fraternal, cultural, and civic organizations throughout Allegheny County, where more than 30,000 people of Ukrainian descent make their homes.

Maintain and promote Ukrainian ethnicity and culture by conducting weekly radio programs for the past 25 years.

Although impressive in its own right, the list does not begin to tell the whole story about Mr. Komichak. A World War II veteran, who served as a radio officer with the rank of lieutenant junior grade in the merchant marine, Mr. Komichak learned the language and history of his parents' native country by attending

church-sponsored classes, singing in choirs, and participating in youth activities. He also works closely with other local ethnic organizations and for many years has served as secretary of the Captive Nations Committee in Allegheny County.

Mr. Speaker, Mr. Komichak is more than just a man with a deep interest in the heritages of his father. His compassion for others, his dedication to enrich and improve their lives, and his love of freedom are indicative of all true Americans. His wife, Ann, and his three sons, Raymond, Markian, and Michael, have reason to be proud.

#### LEIB KHNOKH—SOVIET PRISONER OF CONSCIENCE

#### HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. SOLARZ. Mr. Speaker, many of our colleagues are already familiar with the plight of many Jewish citizens of the Soviet Union who have been sentenced to lengthy terms in labor camps because they attempted to freely exercise their religion and sought to emigrate to Israel. These men and women are barely existing under conditions which frequently defy description. These "prisoners of conscience" are confined, in many instances, in cells in which they can barely stand upright; are forced to perform hard labor but are poorly fed and clothed; are normally allowed no visitors; and have their mail tightly censored and restricted.

These courageous people must not be forgotten and the free world must be continually made aware of their condition and their desire to be free. In order to focus attention on the status of prisoners of conscience the Greater New York Conference on Soviet Jewry established a program under which a prisoner is "adopted" by a Member of Congress and other public officials. It has been my honor to adopt Leib Khnokh, a 30-year-old Latvian electrician who is serving a hard 10-year sentence on a number of trumped-up charges.

I have recently received a letter from Mr. Khnokh's brother who resides in Israel. He included excerpts of letters that Leib has written to his family. His comments are very revealing of the conditions he is being forced to endure and I would like to share them with our colleagues in order that they may be aware of the actual status of these hapless but valiant men and women.

Mr. Speaker, I insert herewith, for inclusion in the RECORD, portions of letters from Mr. Khnokh's prison cell and some biographical information regarding this brave young man:

#### PRISONER'S PROFILE—LEIB KHNOKH

Born: October 4, 1944.

From: Riga.

Marital status: Married; has one son.

Occupation: Electrician.

Arrested: June 1970.

Tried: December 1970 (First Leningrad Trial).

Charges: Article #70—"Anti-Soviet agitation and propaganda . . . of undermining or weakening Soviet authority . . ."

Article #72—"Participation in an anti-Soviet organization".

Article #64/15 "Betrayal of the Fatherland".

Article #93/1 "Misappropriation of state or public property on an especially large scale . . ."

Camp: Perm #35.

Camp address: USSR, RSFSR, Moscow, P.O.B. 5110/1 VS 389/35.

Address of Mary Khnokh (wife): Rechov Sharet 25/2 Kiryat Tivon, Israel.

Address of Etta Shvartz: (relative): USSR, Latvian SSR, Rīzhsks Rayon, P/O Ulbroke Institut 10/46.

Leib Khnokh was one of the scores of Soviet Jewish activists in cities throughout the Soviet Union who were apprehended on June 15, 1970. In the forest near Priozersk, forty miles from the Finnish border, Khnokh, his pregnant wife Meri, and two friends had gas squirted in their eyes, as they were tied to each other, back to back, bundled into waiting trucks and taken to the Leningrad KGB headquarters.

Khnokh had been trained at the Railway Technical Institute and after completing military service, worked as an electrician. He had applied repeatedly for exit visas since 1968, but his requests were ignored. He helped draft appeals to Soviet and Western officials protesting Soviet violation of human rights.

Brought up in a traditional, Yiddish-speaking home, Khnokh believed that the future of Jews, as a people, could be realized only in Israel.

One of the eleven Leningrad defendants, Khnokh was accused of planning an attempted escape to Israel. He protested the distortion of his pre-trial interrogation, claiming that it contained statements he had never made and omitted explanations he had given. Having renounced his Soviet citizenship, Khnokh contended that he was no longer under the jurisdiction of a Soviet court. He refused to answer any questions pertaining to anyone other than the defendants.

The prosecution demanded that Khnokh be given a 13 year term in strict-regime. After world-wide outrage, this harsh sentence was reduced to 10 years.

[Enclosed a postcard, Sept. 3, 1974]

Hello, my dear ones,

Just as before, I get your letters regularly . . . My circumstances have now changed a little, so there are some corrections to make following my requests for parcels. Since I am being transferred to a CTW, which means being kept in special custody . . . please send me a food parcel towards the end of September, what I have asked you for. If there are not enough soybeans to make a kilogramme, some khalva is also allowed. (Khalva is a pressed mixture of some oily grains, crushed, and sugar—Tr.)

Last week I received a registered parcel from the Wendelevich family; it was in the same state as the previous ones; no pens inside, of course.

Yesterday the news came of Sylvia, joyful news for us all. Naturally, we are all glad for her sake; we should like to hope something of the kind will someday happen to us, too. But in the meantime I cannot, as you see, tell you anything joyful about my situation: there is nothing good waiting for me close at hand. Until the end of the year I shall be able to write only once bi-monthly, so my relatives need not worry.

I hope everything is all right with you all. I must have joined the college. If so, my congratulations. If not, I can only advise her not to despair. The young ones have everything ahead, as the saying goes.

But we are getting old. I, for one, will soon be thirty. I used to hope to face that mile-

stone in our home, but fate will have it otherwise. However, even now I am not in despair—no, I am full of faith. Some day that, too, will pass, anyway. That is the basis of our lives here.

S. and G. will soon celebrate their twenty years' jubilee. As I will not, under the circumstances, be able to write later, I am offering you my congratulations well in advance.

I will try to use the considerable amount of unoccupied time that will now be at my disposal to read some fiction: usually I have always lacked the time to do that. And I will want to study the language more systematically—or—who knows, I might suddenly be sent home ahead of time and find myself unable to come to terms with my own son.

I have just received a postcard from Mendelevich, containing the news no less striking than before. The papers were processed with lightning speed—and the fact that the boys were brought to Moscow. Fantastic—what else can one say. Things being as they are, one can easily believe anything, even that it may soon happen to all the boys. But even if not so soon—or not at all—I am nevertheless very happy for Sylvia and all their family. Please my congratulations over to them.

That is the way the sad and the glad news intertwine. In this case the latter certainly prevail.

My dear ones, my very best wishes go to you all. Greetings to all our relatives, especially the Mendeleviches. . . Au revoir, kiss—  
Yours,

ARIE.

[Letter No. 18, Oct. 2, 1974]

Shalom, mummy dear,

To-day, on my thirtieth birthday, I have felt like writing to you. It certainly is very difficult, almost impossible to carry on a candid conversation (or even this monologue) from the place I am in. So, I am thirty years old today, but, frankly speaking, I have somehow failed to feel that something has been left behind. Probably it is because I have no way of marking this day—or because I do not seem to sense any amount of satisfaction from the fact that I am getting older (in years or experience). After all, when I first came here, I was twenty-five. I do not mean to say I have never had those years. I have lived them through, not without profit for myself in more ways than one. Nevertheless, somewhere in my subconscious, there is an ever-present sensation that I am not so much living as waiting. I have no regrets about anything: what was, was to have been, I think. Pity it has been taking somewhat too long.

We have all had a big holiday recently, the release of Sylvia, who will, incidentally, celebrate her thirtieth anniversary in the home. I sent her by congratulations. I hope she received them in time.

The event gives some hopes to the others as well—but the possibility is not excluded that "they" may want to put a full stop after that. S.S. has written to me that you are making some attempts along similar lines. It would be nice to know some details.

I will send this letter out after your next mail comes, as now I am allowed to write only once bi-monthly. The temporary changes in my routine must not worry you. I can assure you things are quite bearable—the other way it is not exactly like a health-resort either . . .

The autumn is uncommonly warm this year, the day temperature has not fallen below 10–15 degrees C. The previous years there was snow at this time.

Almost a week has passed. Every day I was waiting for mail to arrive and then I thought I would go on with this letter. But somehow "they" do not seem to be in a hurry. Nearly a month has passed since . . .

Aunt Emma writes you have been at a sanitarium. I hope it is better for you there,

and you will return home quite well. Write about the state of your health in every letter.

I am very grateful to you for mentioning little Igal in each of your letters. I still get too little news of my son. You have not sent me practically any photos of late. But he keeps growing and, surely, is changing fast. And, mum, your pictures, dad's and Aunt Liza's I have not received for as long as a year, I think. Only Pinya keeps sending me photos more or less regularly.

In general, during these months I have received a comparatively small number of letters. Letters from some of my earlier correspondents who used to be so constant, have stopped coming altogether. From Zvi, let us say, for about a year; or from dear Hannah I have not received anything for nearly six months. It is true, two of their letters were confiscated in July. They may have written more.

Oh yes, regarding Karmazin. He writes to me what is an answer to my letter No. 5 which he has read. He believes I concentrate my questions on wrong points. The main thing is the internal problems which are perennially left unsolved; as for the neighbours, it is the easiest thing in the world to reach an agreement with them—provided there is a desire to.

As far as the internal situation is concerned, he quotes abundantly from the "Week" (what is that, by the way?) and frequently refers to it. Me, he advises to realize my earlier transgressions and to repent. A curious letter that, isn't it? Yes, and he also requests that I should answer him. To my regret I cannot answer him personally: strict limit. He lives in Safed, in a Merkaz Klita—at the time of the writing, at least—so please send him my greetings in the meantime, and let him write more—and I shall try to answer him eventually.

Another week passed, and yesterday, at long last, the mail came—the big mail from you all . . . /which included/a congratulatory postcard from Marcus in the Netherlands . . . Yes, and a letter was confiscated from Dukarevich. So I had a big holiday yesterday. I read and then re-read everything over and over again. In general, everything is fine with my correspondents, so I feel fine, too. On a day like that I manage to forget my troubles, and permit my thoughts to carry me over to where they are writing to me from. Our best days here are undoubtedly the mail days.

With the next mail I hope to get news about Sylvia, and, possibly straight from herself. Although I realize that, for some time at first, she could not give her attention to us. Please send me her photo. I hope the state of her health is relatively normal. Send her my very best wishes, Mother. . . And my deep gratitude goes to all of my correspondents. I also got the food parcel yesterday, whatever I had asked for, so everything is all right. . .

As I have already mentioned, I have learned from S. Z.'s letters that you are taking some concrete steps and, in particular, you are using the services of Mr. Taylor as a lawyer; but I have not learned anything new about it from this mail. . . So this mail can be said to have caused some disappointment. Which is not the fault of my correspondents by any means. To them I am very grateful, but it is a crime that your letters take so long to reach me.

Mama, tell L. I am grateful to her for her attention. The latest four months have brought me seven letters of hers (out of ten she has sent). Tell her I will write her again as soon as there is a possibility, meantime give her my greetings.

Our dear Sara is also superb, but the rest of them are tired, it seems. Well, that can be understood: time. Now it is the fifth year in progress, four years and almost a half are already behind. I, too, am tired. So there is no one to blame.

Mama, you write Hanna and Zvi come to see you. I have a request to them as well as Sasha. To Bersheva, where they live, Lena



has moved; evidently she must be finding things a little difficult in the new place, what with her two children and elderly mother. I ask that they should give her their care; please ask some one of them to tell me of how she is settling down there.

Next day: am going on. What shall I tell you about myself? As I have already written you, my way of life is somewhat different now. Which has its disadvantages—or else they would not put people here. But there are some positive aspects. The chief one is a possibility to read much, and I am fully using it. Of late I have incidentally received a number of books through the "Book by Mail" service, so I have enough reading matter. I am also studying the language, though my progress is as modest as it used to be. But my word stock is nevertheless growing. It may be a good idea to learn with greater intensity now—all of a sudden we may be released, and I am still unable to talk properly. But that is something we can survive all right. I don't mind.

At the same time I am ready (as I was before) to be kept here to the end. But let us trust the better thing will come, and then whatever will be, will be.

As for my health, it is generally fine. Suffice it to say I have never been laid with high fever all these years. Some trifling things may sometimes happen—but then they can happen to anyone and under very different conditions, too, there is no insurance against that. Otherwise all is quite normal, when I come you will see with your own eyes.

I have several times asked Pinya about how he feels, but he writes nothing about that. Mama, please let me know about it.

In my June letter to Sara I asked her a lot of questions, but no answers have come back to any one of them. She may not deserve the reproach, and in her letter (No. 26, confiscated) she may have answered the questions. However that may be, I have not heard her answers to a number of questions that interest me. Let me repeat some. How many settlements are there in the Golans, and how many have sprung up after October? What is the population of the area? How is the construction of the new town going on? And where is it situated? The same about the Rafiah area? But it must be easier for her to look into my earlier letter, after all.

I have re-read the letter and noticed I am repeating myself towards the end. It means I'd better wind up. It has suddenly become very late these latest days, winter has set in; it has been overdue from the local viewpoint: it is the second part of October. . . . Once again, Mama, please send me stereo—and picture postcards too. How is Dad's health? Is he happy about the change of the residence? . . .

My best wishes to our friends, and in the first place to those who keep writing, who still remember me, too. Mummy dear, don't worry for me. I am being in a "chamber" ("cell") room right now, and that seems to be the reason why the letter is what it is. But, generally speaking, everything is O.K. and even better. I am eager to believe this will be all over soon. Mummy dear, have the best of treatment, get well and keep writing.

Au revoir—Kiss—Yours,

ARIE.

#### FAIR TRADE LAWS DUE FOR HARD LOOK

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. SYMMS. Mr. Speaker, former Gov. Ronald Reagan of California is now writ-

ing a column that is syndicated by the Copley News Service. I am very pleased to see Governor Reagan continuing to express his view that the answers to today's problems will be found by reducing government rather than by increasing it.

Ronald Reagan is one of the few leaders in the country that still champions individual freedom and the free market economy—something that once was the cornerstone of the Republican Party.

Following is one of his latest commentaries that points out how government regulations hurt not help the consumer in America. I am pleased to commend the following article to my colleagues in Congress:

SO-CALLED "FAIR TRADE" LAWS OVERDUE FOR HARD LOOK

(By Ronald Reagan)

One of the old-time ventriloquist tricks in vaudeville was done by the fellow who would sing a chorus of "Yankee Doodle Dandy" while drinking a glass of water.

Another version is even trickier: a business or industry argues for free enterprise on the one hand—free, that is, from government regulation—at the same time it asks government to make laws setting minimum prices on the product it sells. This trick is called "fair trade."

Though such laws date back to the turn of the century, federal courts knocked them out in 1911.

They came back 20 years later when California retail druggists were worried about price wars and sought minimum-price legislation to prevent them. Soon after, 43 other states enacted so-called "fair trade" laws.

More recently there have been indications that this trick may be going the way of the vaudeville act. It is estimated that only about 20 large companies use the laws extensively today. Several states have done away with them entirely.

Just the same, 14 states, representing nearly half the nation's retail sales, still have tough, enforceable fair trade laws. This means that a retailer who wants to sell a fair trade item below the minimum price may risk heavy fines or even a jail sentence for cutting his price to the consumer.

Big discount chains usually won't sign fair trade agreements, but small retailers may fear being cut off from supplies of popular brands if they don't observe the fair trade agreements they are asked to sign.

It used to be argued that fair trade laws helped small retailers, such as the corner grocer, from being severely undercut by big chains with superior buying power. It's more likely that independent neighborhood retailers are surviving today because they are convenient than because of a few cents difference in a price on a brand of liquor or lipstick or water glasses.

Pro-fair trade forces argue that the higher margins provided the retailer by fair trade laws result in more retailers carrying the line, and with a broader selection at that.

That may be true, but in an age when advertising has effectively presold so many brand names, is the retailer really providing any extra useful service to the consumer in exchange for that higher margin? It's nice to know that he carries a broad selection, but without fair trade, wouldn't an enterprising merchant carry as broad a line of, say cosmetics as his customers demand?

Former Atty. Gen. William Saxbe said in a recent speech to a grocery manufacturing group, "Whatever feeble justification may have once existed for fair trade, there is today no reason to place such heavy burdens on the consuming public."

Lately, there has been a lot of talk about taking a "hard look" at government regula-

tion in order to weed out those regulations which stifle competition. Good. Let's include the fair trade laws in that review.

Once you invite government to regulate you, in order to protect your economic interests, you're asking for a lot more regulation down the line.

We live in a time when the barnacles of government regulation have added measurably to the cost of goods we buy. Let's rethink the fair trade laws altogether. Eliminate them and some prices should begin going down as a result. That may not "lick" inflation, but it would help.

#### STATEMENT OF PURPOSE OF THE NATIONAL YOUTH PRO-LIFE COALITION

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. FISH. Mr. Speaker, the National Youth Pro-Life Coalition is an organization of students and other young Americans who are deeply troubled by what they perceive as the willingness of our society to adopt "expedient rather than just solutions to complex human problems." The following statement is an adapted version of an article about the coalition by Dr. Thomas Hilgers, a co-founder and member of the Advisory Board, from the November 1974 issue of *Linacre Quarterly*:

#### STATEMENT

A little more than two years ago, 60 young people from nearly 23 states met in Chicago, Illinois, with a common interest in human life. The abortion issue was the main item of concern at the first conference, but it didn't take long to recognize that those in attendance had a great concern for human life at all stages of development and in all strata of social existence. From the first meeting, the first national youth pro-life organization was conceived. At that time, this organization, the National Youth Pro-Life Coalition (NYPLC), adopted three fundamental tenets to its existence; it would be non-violent in its activities; it would espouse that human life was a continuum from conception to natural death; it would promote the concept that "there is no human life not worth living" (taken from the writings of Dr. Viktor Frankl, an Austrian psychiatrist who spent three years in the Auschwitz death camp).

The concern of the NYPLC, which now has chartered groups and affiliate members throughout the United States, lies in the issue of life itself. Dismayed by the inconsistent way human life is valued in our society, the Coalition speaks out for consistency. The membership is aware of the prevailing attitude among young people, especially on college campuses, that ties anti-war pro-civil rights, and pro-abortion feelings all into a tightly knit, supposedly "liberal" bag. Equally discouraging has been the anti-abortion, pro-war, pro-capital punishment attitudes of yet another segment of the population.

In the "respect for life" movement, the Coalition believes that only a real revolution in the value and dignity of every human life will produce constructive social and human reform. If human life is to be respected, then all human life is to be respected and arbitrarily eliminating anyone from this respect produces inconsistencies which undermine the basic ground-structure from which true reform emanates.

Recognizing that humanity encounters enormous problems, many of which do not

have ready solutions, the very first position of the NYPLC is a call for the creation and implementation of positive, non-violent solutions to human problems. The NYPLC openly admits that it does not have all the answers; nonetheless, it maintains that the use of violence to solve human problems is unconstructive, non-progressive, and ultimately always destructive.

Inspired by a successful national convention last fall highlighted by supporting addresses from human rights activists Dick Gregory, Jesse Jackson, and Dolores Huerta, the members of the National Youth Pro-Life Coalition have come to Washington to lobby for cooperation with nature, for the poor, for the elderly, for the unborn, for the mentally and physically handicapped, and for prisoner rehabilitation and peace.

## CHANGING CONCEPTS IN CRIMINAL JUSTICE

HON. ELIZABETH HOLTZMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Ms. HOLTZMAN. Mr. Speaker, juvenile delinquency is an oft-cited and complex problem in New York. Many of us who come from urban areas—inside or outside of New York—are seeking new and better solutions for dealing with young offenders. I commend to all my colleagues who are interested in improving systems of juvenile justice the following article by the Honorable Nanette Dembitz, judge of the Family Court in New York City. The article, published in the New York Law Journal of October 29, 1974, is based on her address at an Institute on Criminal Justice presented by the New York State Probation and Parole Officers Association and State University of New York at Binghamton. It reflects her distinguished service and experience on the bench of the family court.

The article follows:

### CHANGING CONCEPTS IN CRIMINAL JUSTICE (By Nanette Dembitz)

In the treatment of criminals there are changing concepts that bear witness to an increasing concern for fairness, equality and rationality in criminal justice. Among these are:

The developing concept that she or he who decides whether a criminal shall be free or incarcerated—whether he shall be treated in or out of jail—must give reasons for that decision.

Increasing emphasis on rehabilitation rather than punishment.

New interest in diversion programs to treat criminals without resort to the criminal justice system, and in their treatment through services in the community instead of prisons.

Along the way here I shall refer to practices in the Family Court, which has juvenile delinquency jurisdiction over all crimes by youths under the age of sixteen that might well be adapted in the adult criminal courts.

With juveniles we nourish more hope for healthful change than with adults, but otherwise the problems and goals are much the same. And while the growing crime rate is discouraging, it is matched by similar figures in every other non-Communist country of the world except Japan and Israel. (The crime figures for the Communist countries are unobtainable.)

#### 1. The Duty to State Reasons:

Now to my first point—the duty to give

reasons for a determination that a person will be free or imprisoned.

In a major development in constitutional law, the Supreme Court of the United States and the New York Court of Appeals have ruled that a person's parole or probation can be revoked only after a hearing and a statement of reasons for revocation.<sup>1</sup> This extension of constitutional protection rested on the recognition that a revocation has the same vital impact on a person's freedom as an initial sentence to jail, and that "The touchstone of due process is protection of the individual against arbitrary action of government."<sup>2</sup>

#### FULD'S OPINION

Former Chief Judge Fuld of New York Court of Appeals also thought that rehabilitation of parolees or probationers is furthered by their belief "in fair and objective procedure . . . hardly anything could more seriously impede progress . . . than a belief on their part that the law's machinery is arbitrary, too busy or impervious to the facts."<sup>3</sup>

Now lower courts have held that a parole board must not only state its reasons for a revocation of parole but even for an initial refusal to grant it, and it must state those reasons "with sufficient particularity to enable the prisoner to understand how he is expected to regulate his conduct."<sup>4</sup>

This ruling is, I think, likely to be approved by the Supreme Court, for that court recently held that correctional authorities must give reasons even when they only decide that a man has so misconducted himself in jail that he should be deprived of goodtime credit.<sup>5</sup>

To me, the major value of this constitutional progress is that to state a reason, you must have a reason; if you cannot articulate a reason you have not thought it out.

#### ADDED BURDEN

The due process requirements as to charges, hearings, and reasons for revocation have, of course, put an added burden on probation and parole officers. The great gap is, I think, that the judges who have imposed on others the burden to give reasons have failed to impose on themselves the same burden. That is, everyone imposing imprisonment must state reasons for it except for the trial judge—under present law, he can sentence to prison without giving any reason for his sentence.

The new New York Criminal Procedure Law provides not only for a presentence probation report but a presentence conference with the judge.<sup>6</sup> However, it stops short of providing that the judge must state his reasons for his ultimate sentence.<sup>7</sup>

Family Court judges, responding to appellate rulings,<sup>8</sup> place juveniles in institutions outside their communities only after first exploring with probation officers, generally in a series of hearings, the possibility of treating them through less drastic remedial steps. Here, too, a statement of reasons for the final decision is not required. On the Federal level, the recent Judicial Conference for the Second Circuit was devoted to sentencing, with great interest on the issue of whether the judge should be obliged to state the reasons for the sentence he imposes.

One cause for this concern was that a recent study by the Federal Judicial Center showed that the differences in sentences for the same crime were in part due to the personal predilections of the sentencing judges, rather than to a justifiable effort to individualize the sentences on the basis of the criminal's needs.

#### REASON FOR SENTENCE

The Legislature, the appellate courts or the Judicial Conference will, I hope, develop both for juveniles and adults the rule that reasons for a disposition or sentence must be stated by the judge. Our progress on the statement of reasons signifies a recognition

Footnotes at end of article.

of the human equality of all of us, regardless of how mean and low our circumstances; no official can be omnipotent or arbitrary or rule by fiat; his will is not law.

Hopefully, besides expressing this great principle of justice, the additional burden of work and time involved in giving reasons will result, as Judge Fuld suggested, in an increased sense of fairness by the person who is the target of the criminal justice system, a lessened sense of helplessness and alienation, and in consequence a greater motivation to control his anti-social behavior.

#### 2. De-emphasis on Punishment:

A standard statement, when I was in law school, was that the purposes of the criminal law are punishment, rehabilitation and deterrence. The desire to punish, to express the community's and the victim's sense of outrage or felt need for revenge, now has a diminished role in social thinking and thus in the operation of the criminal justice system.

Instead, we see public concern with a criminal's history of childhood deprivation and public acceptance of an insanity defense despite the heinousness of a crime; we see the reform of prisons to make them more rehabilitative and indeed more agreeable to prisoners from the standpoint of meals, recreation, and such; and in the legal structure the law of prisoner's rights is developing as well as grievance procedure in prisons.

Incarceration is valued as an instrument of deterrence rather than vengeance (and let me say parenthetically that two rehabilitated first-offenders recently told me that their motivation to "go-straight" was that they never wanted to go back to jail). At the same time we recognize that fear of jail, without substitution of a positive goal, will not be enough to prevent criminality—it never was enough regardless of how dark and dank the dungeon was.

#### 3. Diversion from the Criminal Justice System:

The less punitive attitude toward criminals has contributed not only to greater use of probation and parole but also to emphasis on the approach known as Diversion—the effort to keep the criminal out of the court process altogether. Diversion is to be distinguished from attempts to prevent crime through general social, economic and political reforms; it refers to treatment of a person whose conduct actually brings him within criminal court jurisdiction without subjecting him to such jurisdiction. In the past few years there has been considerable public funding for diversion; but many programs seem, I regret to say, too loosely structured to be successful or to permit an evaluation of their success.

#### ONLY DIVERSION PROGRAM

The Family Court Act is, I believe, the only New York legislation that formally and specifically establishes a diversion program. The Act, passed in 1962 before the idea of diversion assumed its present popularity, provides that the probation service may "attempt to adjust suitable cases" of apparent juvenile delinquency (that is, of any crime by a youth under the age of 16) "before a petition is filed."<sup>9</sup>

In other words, in an adjusted case the youth is never formally charged with delinquency, nor does he ever appear before the judge nor is he subjected to any finding against him or any court order. According to the most recent New York City monthly figures, 1,328 of 2,444 cases (a majority) were adjusted at the so-called "intake probation" level.<sup>10</sup>

A probation officer in Intake, or working with personnel other than probationers, might well be called a social adjustment worker, or the like; people who have not been found guilty are frequently confused and resentful of referral to a "probation officer."

#### MORE ACCOUNTABILITY

This estimatable adjustment-diversion service must be improved, I believe, by greater



accountability. At present in New York City, when the Intake probation worker suggests a curfew, for example, to a juvenile, or refers him to an agency for education, medical, or psychotherapeutic assistance, there is no follow-up, no requirement that the youth report back to Intake. The result of this casual approach is to dissipate the impact on the youth of his arrest for crime and of his Court involvement, and to lessen his appreciation of the serious consequences of criminal behavior. Intake's failure to exact standards of conduct from the juvenile when it "adjusts" a juvenile delinquency charge against him, contributes to the substantial number of youths (exact statistics have not been compiled) who commit another delinquency after the Intake adjustment.

It is frequently said that it is only through certainty of adverse consequences that a would-be malefactor is deterred from crime. By the same token an Intake worker would be more effective if he told the juvenile that he must conform to certain conditions, that he must report back to Intake, and that in the event of his failure to comply, a juvenile delinquency petition will be filed against him. I have had personal encouraging results with the approach of "obey the conditions or else" even with youths who have serious crimes.

#### WEAK PROCEDURE

The lack of teeth in the present Intake adjustment procedure is largely attributable to the theory when the Family Court Act was drafted that any direction by a probation officer to a juvenile would violate his constitutional rights.<sup>11</sup> That viewpoint reflected, I think, an erroneous overreaction against the omnipotence at one time exercised by probation officers. The threat of a juvenile delinquency petition and trial, as a coercion to conform to desirable standards of behavior, is similar to other coercions, such as that involved in plea-bargaining, which permeate the criminal justice system.<sup>12</sup> It is consistent with due process to confront a person with the alternative of accepting conditions, referrals, and the duty to report back to a probation officer, or of subjection to a juvenile delinquency petition and trial.

The Family Court Act and rules should be amended to permit greater accountability in the preliminary intake probation process, and with this change the Family Court adjustment-diversion service could serve as a model for the criminal courts.

#### 4. Keeping Juvenile Delinquents in the Community:

The non-punitive approach to criminals has also contributed to the current emphasis on keeping convicts out of prison and treating them instead in their communities. An open drug rehabilitation center or a supervised group home which the person leaves for work, school or other activities in the community, is obviously beneficial for those who respond to that type of service.

#### SMALL RESIDENCES

For juveniles I urge residences with seven to ten beds, rather than larger ones in which the child lacks a feeling of personal interest on the part of the houseparents or counselors, and I hope that New York City youths will have the benefit of many small-size group homes. However, I must speak of one development which I regard as a great evil, arising from the keep-him-in-the community approach. This problem relates only to youths and to the Division for Youth.

Consider the case of a juvenile delinquent who is deemed too dangerous to place on probation and who is then rejected by the directors of the supervised residences in the community as unmotivated, aggressive, and dangerous. As a last resort such a juvenile delinquent is placed in a Division for Youth training school. The Division for Youth follows a policy of rapid parole within five to

ten months, no matter how many or how serious the delinquencies the youth has committed (a series of hold-ups, for example, or rape at knifepoint) and, in a case before me, in the face of psychiatric reports that the youth was without motivation to change, without remorse and homicidal.

This policy, I am told by the Division for Youth, is based on the theory that the youth should not be separated from his community (despite the circumstance that the primary community of a hard-core delinquent youth is a delinquent gang).

#### LEARNING FROM OTHERS

The often-repeated point that the juvenile learns criminality from others in a state school, ignores the fact that a hard-core juvenile has lived for years largely on the streets and that he learns about crime from delinquent street companions. In a school there are counsellors and teachers who at least offer other role-models than those on the streets, as well as services which over an extended period would in some cases rehabilitate. Quickly released with insufficient education, training or rehabilitation of any sort, the hard-core delinquent is set for a life of crime. My strenuous objection to DFY policy springs from my belief that some of these youths could be saved through long-term rehabilitative efforts and that DFY in effect is abandoning them.

Even when parole should be granted to a juvenile, it cannot possibly succeed unless the Division for Youth can establish educational and other services adapted to its parolees. An adult generally is paroled only when he has a job possibility; youths are paroled to return to the same schools from which they have truanted for years. Routine rapid paroles as much as the lack of services for parolees, are a disservice to the youths themselves as well as to society and cry out for remedy.

#### IMPORTANCE OF PREVENTION

I will not review our many problems with regard to securing proper facilities and services for juveniles, but I cannot close without stressing prevention. Individualized school instruction from an early age with outreach from the schools to the home is one of our best hopes for preventing delinquency; truancy has a higher correlation with delinquency than any other social factor. And the schools and the hospitals should be better used to discover flagrantly neglected and deprived children early on, before they are too misshapen to be able to respond to the sun's rays. I once heard the Ohio Commissioner of Welfare say satirically that "A delinquent is a child who is so dumb as to be born in a slum of deteriorated parents," and I would add, "whom we are too dumb to rescue in time."

#### FOOTNOTES

<sup>1</sup> Gagnon v. Scarpelli, 411 U.S. 778. Morissey v. Brewer, 408 U.S. 471, 489; People ex rel. Menechino v. Warden, 27 N. Y. 2d 376.

<sup>2</sup> Morissey, 408 U.S. at p. 487.

<sup>3</sup> Menechino, 27 N. Y. 2d at pp. 385-386.

<sup>4</sup> U.S. ex rel. Johnson v. Chairman, N. Y. St. Bd. of Parole, 363 Fed. Supp. 416, 419 (E. D. N. Y. 1974) aff'd. C. A. 2, June 13, 1974. See also Solari v. Vincent, 77 Misc. 2d 54 (Sup. Ct., Dutchess Cnty) and Cummings v. Ryan, 45 A. D. 2d 415, 417 (3rd Dept.).

<sup>5</sup> Wolff v. McDonnell, U.S. Sup. Ct. dec. June 26, 1974, 42 L. W. 5190.

<sup>6</sup> CPL sec. 400.10. And see CPL 390.40 as to defendant's submission to the court of a presentence memorandum.

<sup>7</sup> CPL 380.50 enacted a new provision that the judge may summarize the factors he considers relevant in imposing sentence; as the Commentary points out, the judge is not required to make a statement.

<sup>8</sup> E. g., Matter of Maurice C., 35 N.Y. 2d 136; Matter of Jeanette P., 34 A. D. 2d 661 (2nd Dept.); Matter of Lloyd, 33 A. D. 2d 385 (1st Dept.); Matter of Benjamin R., 36 A. D. 2d 202 (1st Dept.); Matter of Stanley M., 39 A. D.

2d 746 (2nd Dept.); Matter of Esther W., 44 A. D. 2d 603 (2nd Dept.).

<sup>9</sup> Family Court Act sec. 734. The section applies to a child defined in section 712 as a "Person in Need of Supervision" (PINS) as well as to a juvenile delinquent.

<sup>10</sup> Statistical Report of New York State Family Court for August, 1974, for New York City (mimeo).

<sup>11</sup> The Family Court Act provides that "The probation service may not . . . compel any person to appear at any conference, produce any papers, or visit any place," section 734 (d); see also Fam. Ct. Rule 7.3(c). The term "compel" apparently is construed by the Probation Department to include the coercion of the threat of a petition.

<sup>12</sup> For statement on this viewpoint, see Dembitz, Ferment and Experiment in New York: Juvenile Cases in the New Family Court, 48 Cornell Law Quarterly (1963) 499, 514 at n. 68.

## THE STATE OF THE UNION

### HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. MAZZOLI. Mr. Speaker, when the President gave his state of the Union address to Congress, he prefaced his report by saying that "the state of the Union is not good."

That set the tone of his speech. It was a sober, serious discussion of the economic plight of our Republic. President Ford offered a series of proposals he believes will solve the Nation's economic and energy problems.

All but two of the President's suggestions require congressional approval. On his own, the President can decontrol domestic oil prices and can increase by \$3 the fee on each barrel of oil imported from abroad.

These two energy programs will cost American consumers billions of dollars. Gasoline prices must inevitably rise—by an expected 10 cents per gallon and maybe even more. The President has also proposed that the Congress agree to decontrol natural gas prices and enact a \$2 per barrel tax on domestic oil.

Decontrol means that consumers must pay whatever the market will bear—no watchdog being required to give prior approval—so inevitably the prices will go up to the consumer on everything from gasoline, to plastics, to home heating oil.

My reservations about decontrol are these: First, higher fuel costs may hurt unfairly those of modest incomes. Second, energy companies may not use the increased revenues to produce more energy though encouraging greater energy production is one of the justifications of decontrol. Third, raising domestic fuel prices sets a bad example for oil-producing nations, which we have been pressuring and cajoling to lower their prices. Fourth, higher energy costs worsen inflation however one looks at it.

In my judgment, the fundamental key to our energy problems is 6,000 miles away in the Middle East. Peace in that region constitutes our only real hope for a reliable, uninterrupted oil supply at affordable prices. Yet the President failed to offer any initiatives which might lead to peace in this region.

The President wants to offset higher energy costs and help turn the economy around with a tax reduction. The idea of tax relief has met with general approval in the Congress.

But many Democrats believe that the individual income tax cut must be more heavily weighted to middle and lower income Americans than the President plans. A tax cut such as that Mr. Ford recommends—extending up to \$1,000 in cuts for a \$40,000 a year family income—would be more acceptable if accompanied by overall tax reform.

Tax reform is long overdue, and a one-time tax cut should not, in my judgment, be an excuse for delaying thorough and meaningful tax reform.

The President's \$16 billion break for individuals is linked with corporate tax cuts—notably, a \$4 billion increase in the investment tax credit. Many industries need the credit to help them acquire the additional plant and equipment necessary to expand production of goods in short supply.

But, for example, the auto industry has surplus production capacity. It needs markets for its present capacity. So, the investment tax credit should apply only to selected industries, not across the board. The likelihood, in the Democratic 94th Congress, is that the President's individual tax cut will be altered, the investment tax credit passed, and reduced overall corporate taxes rejected by the Congress.

For those who pay no taxes, Mr. Ford proposed \$2 billion in direct cash payments. I find this plan sadly inconsistent with the President's plan to cut medical services to the elderly and to raise the purchase price of food stamps. This suggestion would simply take money away from one program and put it in another.

A 1-year moratorium on new spending programs was proposed by the President. I can accept this only as a part of a total effort to hold the line on Federal spending.

The Congress must retain the flexibility to increase or decrease the appropriations level for any program already in existence. And a moratorium—if it is to be more than a high-sounding but hollow effort—must apply to military spending in Southeast Asia and the Middle East.

In conjunction with the spending moratorium, the President proposed a 5-percent ceiling on cost of living increases in many Federal programs, including social security, food stamps, Federal salaries, civil service and military and railroad retirement, and supplemental security income.

This suggestion has not been well received by many Members of Congress. If the incomes of the poor, the elderly, and those living on fixed retirement incomes are subjected to such a ceiling, their modest incomes will be further deteriorated by inflation.

The President proposed to defer for 5 years the scheduled improvements in auto exhaust emission standards. The deferral is likely to be adopted by the Congress, but for a shorter period. Any

deferral, intended to improve automobile fuel economy, should be linked to a sliding scale of excise taxes designed to encourage the manufacture of fuel-efficient cars.

Many congressional leaders believe that gasoline rationing is preferable to higher fuel taxes. I do not entirely share their feelings because of the inherent inequities of rationing. But, it may have to be invoked as a last resort.

Overall, the Ford plan is not coordinated. It is not so much a program, but a collection of proposals. The Democratic Congress will accept a few of the President's legislative recommendations, but will undoubtedly generate many original proposals.

#### UKRAINIAN ANNIVERSARY NOTED

### HON. HENRY J. NOWAK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. NOWAK. Mr. Speaker, this week the 37th anniversary of the proclamation of the independence of Ukraine is being observed by free peoples throughout the world.

As we move forward toward détente, we must not lose sight of existing oppressions, and we must not cease our efforts to correct injustices. I think the following letter from the Buffalo Chapter of the Ukrainian Congress Committee of American, Inc., will be of interest to my colleagues.

JANUARY 15, 1975.

HON. HENRY NOWAK,  
Congress of the United States,  
House of Representatives,  
Washington, D.C.

DEAR CONGRESSMAN NOWAK: January 22, 1975, will mark the 57th Anniversary of the Proclamation of the Independence of Ukraine, and the 56th Anniversary of the Act of Union, whereby all Ukrainian ethnographic lands were united into one independent and sovereign state of the Ukrainian people. Both the Independence of Ukraine and the Act of Union were proclaimed in Kiev, capital of Ukraine, on January 22, 1918 and January 22, 1919, respectively.

Unfortunately, the young Ukrainian democratic republic was short-lived, as it was attacked by Communist Russia, even though the Bolsheviks had officially recognized Ukraine as an independent and sovereign state. The same recognition of Ukraine was given by the Central Powers and a number of the states of the *Entente*, including France and Great Britain, which rendered *de facto* recognition to the Ukrainian republic. For over three years, 1917-1920, Ukraine waged a defensive war against Communist Russia, alone and unaided; deprived of all assistance from abroad and overwhelmed by vastly superior forces of Communist Russia, Ukraine succumbed.

But in destroying the Ukrainian National Republic, Moscow did not dare destroy the state structure of Ukraine. It had created a Communist puppet government in Ukraine, to be known as the "Ukrainian Soviet Socialist Republic," which in 1922 was forced into the "Union of Soviet Socialist Republics" (USSR) as an "equal and sovereign state." In 1945, Ukraine became a charter member of the United Nations, along with the USSR and Byelorussia.

Despite the spurious facade of "independence and sovereignty," Ukraine is an out-

right colony of Communist Russia, as attested to by the Red's 50-year bloody rule over Ukraine, characterized by inhuman persecution, Russification and genocide of the Ukrainian people. Stalin tried to decimate the Ukrainian nation by mass deportations, arrests and executions. This policy was continued under Khrushchev, without mass executions, but through arrests and deportations of Ukrainians to Siberia and other parts of Asia.

Cultural and national repression in Ukraine is relentlessly pursued by the Brezhnev-Kosygin regime. From 1970-1973 the KGB, the Soviet secret police, arrested some 600 Ukrainian intellectuals under suspicion of conducting "anti-Soviet propaganda and agitation," many of whom have been sentenced to serve terms of imprisonment; some of them have been tortured, such as Valentyn Moroz, 39-year-old historian, and Leonid Plyushch, 35-year-old mathematician, both of whom are reported to be driven to insanity and slow death. Mr. Moroz went on a hunger strike on July 1, 1974 in Vladimir Prison, and said that he would die from starvation unless he was transferred to a regular camp. He was fed intravenously, beaten and denied proper medical care. He ended his 20-week hunger strike on November 22, 1974, after Soviet authorities promised to improve his prison conditions. But he has lost much weight and is suffering from kidney and heart ailments.

Both Moroz and Plyushch have become symbols of resistance to tyranny, and they have found defenders all over the world. In our own country a number of U.S. Senators and Congressmen have introduced special resolutions in Congress, requesting President Ford to intervene with the Soviet government for the immediate release of Moroz and Plyushch.

Congressman Nowak, if you have not as yet done so, we urge you to introduce your own resolution, or to join in supporting and co-sponsoring the Flood-Derwinski Resolution (H. Con. Res. 649).

January 22 is the greatest national holiday in Ukraine's modern history, for on that day the Ukrainian people established their national state and regained freedom. Both were lost, but the desire and will of the Ukrainian nation to regain these God-given rights are very much alive today. This the Ukrainian people demonstrated during World War II, when they organized the powerful Ukrainian Insurgent Army (UPA), which waged a liberation struggle against Nazi Germany and Communist Russia at the same time; this they manifest today through their resistance to Communist enslavement and for the defense of human and national rights of the Ukrainian people.

Therefore, we ask you, Sir, to make an appropriate statement in Congress on Ukrainian Independence Day, thus giving your moral support to the brave and gallant people of Ukraine in their struggle for freedom and independence.

Sincerely yours,

WASYL SHARVAN,  
President.  
MARTA HAWRYLUK,  
Secretary.

Today I am introducing two bills which encourage action in this area. One expresses the sense of Congress that the President should take steps to place the question of human rights violations in the Soviet-occupied Ukraine on the agenda of the United Nations Organization, while the other urges the President to use all possible means to obtain the release of Mr. Moroz and Mr. Plyushch. I hope this Congress will enact the legislation.



# MAINE LEGISLATURE MEMORIALIZES CONGRESS ON OIL TARIFFS

## HON. DAVID F. EMERY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. EMERY. Mr. Speaker, the continuing energy crisis has caused great financial hardship and personal inconvenience to the citizens of the United States from coast to coast. We in the State of Maine are particularly hard hit by soaring oil prices. As the Representative of the First District of Maine, I feel that it is important to voice my objections to President Ford's latest energy proposal, especially the proposed \$3 tariff on crude oil imports.

A large number of my constituents depend on gasoline to travel to and from work, as well as on fuel oil to heat their homes and cook their food. In my opinion, next to our economic difficulties, there is no greater problem facing the United States today than our energy crisis.

The 107th Maine Legislature on January 16 of this year has passed and forwarded to my office a joint resolution memorializing Congress and the Maine congressional delegation to oppose increased taxes on oil.

It is my hope that President Ford, whom we all know to be a fair and just man, when he examines the great impact that this proposal will have on the State of Maine and the Northeast, will modify his proposal in such a way as to relieve the financial burden that the import tax will impose upon millions of hard working Americans.

The resolution follows:

### STATE OF MAINE

#### JOINT RESOLUTION MEMORIALIZING CONGRESS AND THE MAINE CONGRESSIONAL DELEGATION TO OPPOSE INCREASED TAXES ON OIL

We, your Memorialists, the House of Representatives and Senate of the State of Maine in the One Hundredth and Seventh Legislature, now assembled, most respectfully present and petition your Honorable Body as follows:

Whereas, the United States Congress will soon consider legislation to promote energy conservation; and

Whereas, among these proposals will be a measure proposed by the President to increase the tax on oil by \$1 per barrel for 3 months; and

Whereas, the State of Maine is far more dependent on oil as a source of energy than is most of the nation; and

Whereas, approximately 90% of Maine's energy is produced by oil; and

Whereas, Maine uses 48 barrels of oil per capita per year, compared with the national average of 28 barrels per year; and

Whereas, Maine is a predominately rural state with a widely dispersed population which must travel long distances to work, shop and receive health care; and

Whereas, Maine has few urban transit systems and no passenger rail service to utilize in place of the automobile; and

Whereas, most Maine utilities have requested substantial rate increases in recent months while continuing to pass on to the consumer the sixfold increase in the cost of oil by use of the so-called fuel adjustment clause; and

Whereas, oil costs will also increase the cost of other consumer necessities, particu-

larly food, which must be carried into Maine by truck and train; and

Whereas, Maine's unemployment rate has soared past 8% and inflation shows no signs of abating; and

Whereas, Maine's middle and low income people should not be deprived of their right to travel, work and live a normal life because they are not wealthy; and

Whereas, more fair and equitable methods of conserving energy have been proposed than the policy of conservation based on the inability to pay; and

Whereas, among these methods are oil and gasoline rationing, fuel allocation systems and taxes on nonessential uses of energy; now, therefore, be it

*Resolved*, That We, your Memorialists, respectfully urge the Maine Congressional delegation to oppose efforts to increase the cost of oil in any form and seek ways to conserve energy in a manner which treats all people, regardless of income, equally, and be it further

*Resolved*, That a copy of this Resolution, duly authenticated by the Secretary of State, be transmitted forthwith by the Secretary of State to the Honorable Gerald R. Ford, President of the United States and to the Members of the United States Congress from the State Maine.

## CONSUMER CONTROVERSIES RESOLUTION ACT

### HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. MOSS. Mr. Speaker, I am today introducing the Consumer Controversies Resolution Act on behalf of myself and Mr. DINGELL, Mr. ECKHARDT, Mr. CORMAN, Mr. BRODEHEAD, and Mr. WAXMAN.

For the majority of Americans, redress of grievances is at best a theoretical concept. Mechanisms for resolving disputes involving consumers are largely unavailable or ineffective. Utilization of the courts, and in particular the small claims courts, is in most cases too expensive.

Although the small claims courts were originally geared to provide speedy and inexpensive justice for litigants, their rules and procedures are somewhat complex and their accessibility to consumers is greatly limited. Other devices, such as arbitration and business-sponsored mechanisms, have met with success in most instances, but arbitration remains largely untried and it is fanciful to believe that external business-sponsored forces, like the Better Business Bureau, will cause a retailer, when he believes he is right, to swallow considerable costs in the name of goodwill.

The sorrowful fact is that adequate protections and meaningful remedies are largely not available for the average American consumer. With this in mind we can begin to understand why there is the danger of a loss of faith, on the part of some Americans, in the free enterprise system.

The purpose of the Consumer Controversies Resolution Act is to assure all consumers convenient access to a consumer controversy resolution mechanism which is effective, fair, inexpensive, and expeditious and which will facilitate better representation of consumer interests.

It is based on a 2-year study conducted by the National Institute for Consumer Justice which explored the adequacy of existing procedures for resolving disputes arising out of consumer transactions. The institute believes that Congress should assist in encouraging the establishment of effective consumer controversy resolution procedures, and, in particular—

That Congress should allocate funds for payment to the States to stimulate the establishment and maintenance of effective small claims courts.

We concur with that recommendation.

The legislation which we are introducing would establish a new bureau in the Federal Trade Commission which would administer a program of aid to the States so that they can formulate and effectuate mechanisms for the resolution of consumer disputes. The bill also directs the bureau to conduct experimentation and exploration into ways of better resolving disputes. It is designed to stimulate the reform of the small claims court system and to advance arbitration and business-sponsored self-regulating mechanisms. It is believed that a modest infusion of Federal funds will stimulate those States which have no systems for resolving consumer controversies to develop and effectuate them, and will stimulate those States which have ineffective systems to establish better ones.

American consumers and American business will be the joint beneficiaries of the Consumer Controversies Resolution Act.

## WHEN COMPANIES GET TOO BIG TO FAIL

### HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. DEL CLAWSON. Mr. Speaker, the myth that "bigger" is necessarily "better" has been exploded in practice by more than one giant enterprise of recent years, including the biggest of all, the Federal Government. It appears that the time is at hand to weigh the end result of continued subsidy of failure by the Federal Government. The January 27 issue of Business Week contains a commentary on the subject entitled "When Companies Get Too Big To Fail," which I commend to the attention of my colleagues at this point in the RECORD:

IDEAS AND TRENDS—WHEN COMPANIES GET TOO BIG TO FAIL

(By John Cobbs)

In the years before World War I, Germany invested so heavily in battleships that, when the war came, it did not dare let them fight. As the U.S. economy slides deeper into recession, the federal government finds itself in a similar position. The huge U.S. corporations have become such important centers of jobs and incomes that it dare not let one of them shut down or go out of business. It is compelled, therefore, to shape national policy in terms of protecting the great corporations instead of letting the economy make deflationary adjustments.

As many scholars have pointed out, the corporation is the institution that the cap-

italist nations have chosen to translate rapidly increasing scientific knowledge into jobs, goods, incomes, and consumption. Adolph A. Berle, Jr., lawyer, teacher, businessman, and part-time politician, perhaps said it best in his thoughtful little book *The 20th Century Revolution*, published just over 20 years ago. His theme was that the corporation was doing for the U.S. and other advanced countries what the Russians were trying to achieve with Communism.

Primitive nations such as Russia, said Berle, had to choose Communism as "an instrument by which a vast backward country could be mauled into industrialization." But "the capitalist revolution in which the United States was the leader found after, more efficient, and more flexible means through collectivizing capital in corporations."

#### LOSING CONTROL

The past two decades have confirmed Berle's argument that "it is justifiable to consider the American corporation not as a business device but as a social institution in the context of a revolutionary century." In the last five years, however, something has gone badly wrong. Caught in an explosive inflation and wracked by two painful recessions, an increasing number of giant corporations can no longer claim either flexibility or efficiency. They have lost control of their costs, lost their access to capital, misjudged their markets, and diversified into lines of business they do not understand. In desperation they turn to Washington for help, and if they are big enough and shaky enough, they get it. Neither the Administration nor Congress dares allow a major employer to go down the drain—any more than the Kaiser dared to risk one of his expensive battleships.

The mounting number of bailouts—loans, tariffs, import quotas, and tax cuts—blurs the distinction between the capitalist revolution and the Marxist version. A visitor from Mars might see little difference between the government and the ailing corporation it is propping up.

More important, the willingness of the government to shelter a big corporation from the pain of retrenchment takes the flexibility out of the system. A game in which there are no losers puts no premium on good management or good economic policy. This is one reason the U.S. has developed a chronic inflationary bias.

In the days when there were several hundred ambitious auto producers, it did not hurt the economy greatly if a Stutz or a Franklin dropped out. The market could ruthlessly penalize bad judgment, and the system emerged stronger than ever.

There are still industries—electronics is one—where competition can prune out the weak operators and force the strong ones to hustle. But each dropout increases the relative importance of the surviving companies, and in the end, each producer will be so important that its collapse would be an economic disaster.

#### RESCUE OPERATIONS

When Lockheed Aircraft lost control of its costs and teetered on the edge of bankruptcy, Congress saved it with a \$250-million loan guarantee. And when the bankrupt Eastern railroads ran out of cash and threatened to stop running trains, the government bankrolled a federal corporation to take over their essential operations.

And now the auto industry—reduced to three huge companies and one small one—is stuck with acres of 1975 cars that the public does not want. It is following the well-trodden path to Washington. It suggests relaxing emissions and safety requirements, and vigorous stimulation of the economy. Chrysler has called for a cut in income taxes and easier credit for car buyers.

A bad year for autos is a bad year for everyone. But if the government guarantees a no-lose game for autos, it will have to pro-

vide some other mechanism by which the economy can correct the mistakes of management and government alike. When a big company brings out a bad product, or when it yields to a powerful union and writes an inflationary wage contract, its management should not end up just as well off as good management. If it does, the economy will have no built-in discipline, no way of confirming good decisions and revising bad ones.

The answer of the dedicated antitrusters is to break up the big companies, but the U.S. probably has gone far beyond the point where that could be done without paralyzing the economy. The real problem, therefore, is to make big corporations more resilient, more capable of correcting mistakes. Ideas for achieving this result are strangely scarce.

Perhaps the trouble is that Berle's forecast was wrong in another respect. "There is solid ground," he said in 1954, "for the expectation that 20 years from now the men of greatest renown in the United States will be the spiritual, philosophical, and intellectual leaders for the sufficient reason that they will be needed more than any other type of men. Society still tends both to produce and to honor the kinds of men it needs most."

He was an optimist.

#### TRIBUTE TO CONGRESSMAN EDWARD P. BEARD

#### HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. ST GERMAIN. Mr. Speaker, on Monday, January 20, my fellow Rhode Islander, EDWARD P. BEARD, celebrated his 35th birthday. Mr. BEARD represents the Second Congressional District after serving 2 years in the Rhode Island General Assembly. The winner of a primary election in September, Mr. BEARD went on to garner 78 percent of the Second District vote in the November general election. The circumstances of Mr. BEARD's victory were detailed in a feature article in the Providence Journal-Bulletin of December 29, 1974.

In honor of his birthday, I respectfully request the attention of my colleagues to the Journal story, which follows:

#### MAN OF THE YEAR

(By C. Fraser Smith)

It would be easier, you might say, for a poor man to pass through the eye of a needle than to enter the Kingdom of Congress.

Up-front money for the try averages between \$30,000 and \$50,000, according to *Congressional Quarterly*. And incumbents go into the contest with an edge of more than \$350,000—the value placed on incumbency's emoluments, perquisites and other freebies.

No wonder that even labor-tough workingmen and women from states like Rhode Island have sent the relatively rich and well-educated to represent them in the U.S. Senate. The likes of Theodore Francis Green and Claiborne Pell were not only high rollers but high born as well.

But then, there was John E. Fogarty, the legendary workingman who followed in the trail of Aime Forand to make important contributions to the national health and welfare. Both pioneered in programs like Medicare.

And now comes Eddie Beard, congressman-elect from the state's Second District and perhaps the workingest and poorest congressman of them all. A check of the 435 men and women about to take their seats indi-

cates that Beard is, in fact, the only workingman.

Less than \$9,000 smoothed Beard's passage through the needle's eye in his primary campaign against three-term incumbent Robert O. Tiernan. His friend, Joe Cap The Wrecker, formally known as Joseph Capobianco, knocked down houses when wood was needed for campaign signs which Beard's wife, Marsha, made by hand. When the fight was over, Beard had less than \$40 in his personal bank account.

Beard has been a workingman since he left Hope High School before finishing one year. While in the Army, he got a high school equivalency certificate and took a course in agriculture because the army, then training him to be a cook, thought he should understand food production from start to finish.

As a younger man, he had thought of becoming a cobbler. His friend Tony Musto, who repaired shoes on Cranston Street just around the corner from his home, was going to be his tutor. But Uncle Sam got in the way. When he was discharged he became a painter, an occupation that took him closer to higher education than he had ever been. He worked for the Rhode Island School of Design until last spring when he took a leave of absence to run for the Congress.

Like many of his constituents, Beard had been a moonlighter before his election to the state House of Representatives in 1972. He painted houses in his spare time, boosting his annual income to the vicinity of \$10,000 a year. But after his election, there was no spare time—he spent it all on constituent problems, he says.

Being a state representative was costing Beard money, so he had to get a higher-paying job in Washington. Sometimes, in retrospect, it seems almost that simple. But there were other factors.

Beard's own appeal was great. But he was also the beneficiary of a major split in the heart of the Second District, Providence. He managed to gain the active support of the two major mayoral candidates in the primary, though neither openly supported him. He gained their support by remaining studiously neutral—and because Tiernan had managed to alienate both.

There was also the fabled Beard media magic. "King of the News," they called him at the Newspaper Guild Folles of 1974. Because of his well-covered tours of the Medical Center and his nursing home inspection law, Beard had a stronger image than many who have been in politics in Rhode Island for years. Beard had captured better exposure than money can buy.

On the eve of Beard's election, Louis Harris, the pollster, said a wave of anti-Establishment feeling was going to propel men like Eddie Beard into public office and keep them there for perhaps a decade.

On that same night, one of Senator Pell's aides said Beard was making it because he had made himself an *ad hoc* ombudsman.

"People have the vague, misty feeling that he is going to give them a contact," the aide said. Joe Cap The Wrecker agreed.

"He sets off vi-a-brations in people. He's got those vi-a-brations," Joe says.

You could see it at the Kilmartin Plaza on election night. Beard arrived around 8 p.m. and his mother, Anna, a resident of this housing project for the elderly, was there to meet him at the front door.

Beard made a brief speech, saying he hopes it will be his honor to vote for a national health insurance plan during the next two years. He played the piano and sang *Galway Bay* a cappella. The people, sitting in rows of folding chairs in the 80-degree recreation room, sang with him and laughed when he recalled that he had told his opponent where to get off. Vincent Rotondo, the Republican who was destined to get only 22 percent of the vote, suggested that Beard



had been guilty of a crime when he offered a job to a friend. Beard had said Rotondo could go to hell.

Some say Beard cast about for an "issue"—something to make his own. He decided on the elderly, the sick and those who could not speak for themselves. There was calculation in it, but not guile or phony compassion.

"It isn't anything that came along when he got into politics. He has a genuine rapport with older people," says Mrs. Evelyn Clarkson, who lived across from the Beards on Wadsworth Street.

Beard's ability to get his name before the public—as if he were a PR man disguised in painter's overalls—leads some to the conclusion that he is a manipulator of sorts. He does, in fact, recognize his own appeal. After he was elected in November, he returned to his job at the School of Design because the media wanted to take his picture swinging a brush. He manages to remain a bit quaint.

But Beard's success with television and newspaper publicity may rest more squarely in his ability to find shortcomings that an aggressive media should have been finding on its own. It was the same dynamism that swung the legislature. Beard did and demanded what the lawmakers should have been doing and demanding. He visited the state institutions to see how they were operating. Poorly, he thought. He began to say so in front of the television cameras and reporters with note pads—even though he was a Democrat in a Democratic administration.

He invited the media to blast him if he were wrong. They could make their own investigations, couldn't they?

Still, his critics said, he was too shrill. They began to speak of him in sidelong comments, with eyebrows raised, chuckling and calling him a Hitler. He would, they predicted, burn himself out.

On occasion, he offered evidence that they were right. Sometimes his specifics were not specific enough. He charged that an epidemic of pneumonia, brought on by neglect, was killing patients at the state institutions. Later, he had to retract.

But the "vi-a-brations" told people that this man was on their side. They could forgive him for lapses.

Still, even after he was elected there were jokes: Eddie Beard was going to Washington to paint the White House. He was going to paint it red.

Ah, yes, but he was going and the jokers were not. He had come a long way because he had the nerve to try and because he had found a way to draw on the reservoir of barely-contained animosities in this country—for big business; for politicians who are distant, wealthy and perhaps dishonest; for the well-educated bureaucrat who speaks a foreign language and for the opaque, impersonal, infuriating, slipshod and bankrupt institutions. Maybe Beard could not change them. But he could tell them all where to get off. He had proven that.

Beard is not a plastic poor man. He left school because his family needed the money he could earn. He remembers being one of the first recipients of toys from the *Journal-Bulletin* Santa Claus fund.

Going to work, he said, was a given. He had been working for years. With "Mitt," the neighborhood junkman, Beard "pulled ashes out of cellars," collected paper for a dollar a hundred pounds and gathered scrap metal of all kinds. He says he washed every window on Cranston Street from Renee's Beauty Shop to Spike's Restaurant. He also shined shoes in downtown bars.

"He was a great one for carrying bottles back to the store," says Mrs. Clarkson. "One very hot day I remember he couldn't return them in the immediate neighborhood so he went all the way to Parade Street. He was determined to get where he was going. He had integrity. That isn't something you think of

in politicians anymore. Perhaps he's been a little brash, but he's gotten there," she says.

His father, who had been stationed in China for many years during a long Army career, died of tuberculosis in 1951. Beard remembers watching the ambulance take him away for the last time. Four months later, his eight-year-old sister, Ann, was drowned. He was with his grandmother when she died in the house at 143 Wadsworth Street, a two-decker with red and green asbestos shingles as siding. There are still gouges in the front made by high-flying hockey pucks fired at a younger Beard who played goal. (There is a thin scar over his right eye to prove it.)

"The people in the West End were real down-to-earth people," he said, "but from a personal point of view there was a lot of tragedy." He said he did not think he could handle going back to explore the inside of the old family house.

His grandfather, he said, taught him that older people have to feel useful.

"He used to sit out there in the back yard pumping a big grinding wheel, sharpening the saw. He was tough with that saw. If you didn't pull it right, if the teeth got caught, he'd raise heck. He was a tough old codger," Beard says.

The A.M.E. Zion Church across from his house was a regular stop on the political tours of the day. Beard remembers Dennis J. Roberts, the former mayor and governor, sitting in his grandmother's parlor having Irish bread and tea. Politics were as much a part of the neighborhood atmosphere as the quarrelling between Eddie's grandparents, who came from County Leitrim, and the neighboring McGuire sisters who came from another part of the sod.

Church was and is a major element in Beard's life. His mother cleaned and washed clothes at the rectory. His grandfather used to kneel each time the prayer chimes rang at the church, the Assumption of the Blessed Virgin Mary on Potters Avenue.

Father Dan Trainer, who grew up on Sorrento Street nearby and who now is the Assumption Church administrator, remembers Beard as a moral person. He had standards even then. "I think Eddie will act on principle down there," he said.

The neighborhood folk, he says, are "delighted that one of their own has done what he did."

Count among that number the Slaterry sisters (pronounced Slatree), Anna, 86, and Mary, 89. They live over the old variety store, closed since 1956, where Eddie and his pals bought penny candy on the way to and from the Bucklin Street Playground and other haunts.

They assured him recently that they had followed his career in the newspapers, though they had not seen as much of him as in the old days. Except at Mass.

"He always comes over to say hello," says Anna. When her visitors got up to leave, she told the congressman-elect, "Don't do anything I wouldn't do." Beard nodded politely and went on.

Mrs. Clarkson remembers seeing Beard sitting under a big tree in front of Mr. Murphy's garages, thinking. She chuckled at the picture in her mind. A dreamer and brash as well.

But it is a combination of traits that gives off sparks—some of which can be painful to him.

"Eddie's basic problem is that he accepts people too readily. He's fast and he makes mistakes," says a friend. He is loyal and, some say, "innocent" in the sense that he expects others to be as loyal and considerate as he is. Vulnerable is a word that might be used.

Peter K. Rosedale, a local lawyer and politico, took Beard to lunch at the Turk's Head Club and then Beard held his first big, post-election press conference.

The man who some Democrats are hoping has begun his first and last term started badly. All of the Garrahys and McCaffreys

and others who think Beard is vulnerable in 1976 must have been giggling as they sat under their own thinking trees and wished the next two years away.

At the press conference, Beard nominated his staff: A virtually unknown school teacher would be his administrative assistant; an unsuccessful mayoral candidate would run his Washington office; there was an accused rapist; a man who had been convicted of disorderly conduct; a senior citizen who had been accused of assault; and a wrecking contractor who had failed, ten years ago, to pay his employment security taxes on time.

"What's going on here?" inquired an incredulous friend. "Is this a Mafia operation? It's like reading the *Boston American*."

Some of these charges were, in fact, dredged up out of the dim past, but they sounded quite serious. And the worst part was that Beard appeared to be caught completely off guard. It turns out that he was advised to run background checks on the men he was about to hire and did not. He had made his own judgment on them and that was all he needed. It was not good judgment. And even writing it off to an excess of loyalty is not enough. Many, particularly political insiders, will judge the man on the way he selects and runs his staff. It seemed likely that there is a limit to the forgiveness factor.

Fortunately, Beard was able to withdraw the appointments pending some sort of investigation. One might argue here that the criminal charges against these men are common enough in the working class world (excluding the rape charge), but they are not nearly so common in political retinues and making the distinction apparently proved painful to Beard, the loyalist.

"My wife says I'm too soft," he had said earlier. These men had been with him when the guys with the well-trimmed nails and the \$300-suits were saying he wasn't "fit" for the job. It wasn't in him to say "See ya' later" to all of them.

His theory of representing his district demands able men who can relate to the people.

"I'll have four or five guys in the field, walking in my shoes helping people," he was saying a few days before the disastrous appointment session. "Wouldn't it be nice to have a man in Burrillville? How many times have you heard people say, 'You never see these guys until election time'?"

"We will have a situation where Ed Beard can appear in four places at one time. It will be like walking on the water," he said. He was not, then, concerned about the possibility that they might be somewhat watered-down versions of the genuine article.

Then he was off and running toward the University Club in Washington, his temporary digs for the 94th Congress. A local lawyer had suggested it. But what was a guy like Ed Beard doing in a place like the University Club? It seemed a little like finding Claiborne ensconced in a walkup.

Beard is finding that even his choice of lodging is now carefully scrutinized. In Rhode Island he could hide. He was one among 100 state representatives. He could turn the publicity on and off as it suited him. Now he is one of four. It is one of the things that is changing.

On election night, Beard told the residents of Kilmartin Plaza that he couldn't wait to "get right out there and start bitching." And, now that he had the emoluments, perquisites and freebies, perhaps he would have solid homework to use as the basis for his bitching.

He says he will rely on the flourishing relationship he now has with Senator Pell, the only name pol to show up at the Beard election headquarters when the impossible had become a foregone conclusion (the primary being the main event).

"We really get along well," Beard says. "I really believe he likes me and I like him tremendously."

When it was over, Beard and his family went to Florida for a vacation, just like a politician would have done. Beard says he doesn't like the word "politician," but he could be called worse.

There were those who thought he should have been in Rhode Island helping to work out a solution to the strike at the Medical Center. (He had criticized Governor Noel for going to Europe when pressing problems remained unsolved here.) And there were those who thought Eddie should have nailed Noel again when he said the strike, which took at least one life, had not cost the state much at all. Who was going to tell people where to get off if Eddie didn't do it?

Was a new Beard emerging so soon? You couldn't know for sure, any more than you could say whether he would be able to influence affairs in Washington even a little bit. Even those who thought of him as one of nature's noblemen had those concerns. "It's a new ballgame when he gets to Congress," said Mrs. Clarkson, the woman who lived across the street. "It's a little more sophisticated down there."

It will be a question of balance—how much of the old to retain, how much to abandon. (There were those, for example, who said the staff fiasco was just another case of Beard's failure to do his homework.) But he will have a staff now.

"You give him the ball and he can carry it," says his old friend Jack Smollins. "He's the best ball carrier in the world."

He has carried it, after all, from the cellars of the West End through the needle's eye to the U.S. House of Representatives. It was a perilous passage, guarded by men who were educated and experienced and packaged in ways that Eddie Beard could never be and still be Eddie Beard.

He had a chance to reflect upon his works during the short sojourn in Florida and the meaning of it all came clear to him again, he says, in Disneyland. They had gone through all of the 20-thousand-league adventure trips and then to the Hall of the Presidents:

"Lincoln is sitting down, making a speech about the greatness of the country. There is a circle screen that has tremendous dimension. There is a shot of the Capitol and that's when it all came back to me, the dream. A guy who swung a brush could carry a briefcase and be sworn in on January 3."

#### JOINT COMMISSIONS WITH FOREIGN COUNTRIES

#### HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES  
Thursday, January 23, 1975

Mr. HAMILTON. Mr. Speaker, the establishment of joint commissions and working groups with foreign countries became an important instrument of foreign policy in 1974, especially with several states in the Near East and South Asia region.

While it is still unclear what substance will come from these joint ventures, it is apparent that for the next few years they will serve as one focal point of our bilateral ties.

I asked the Department of State to prepare for me some background material on our joint commissions with Egypt, Saudi Arabia, Israel, Jordan, Iran, and India and their work in 1974.

Enclosed are a calendar of meetings held during 1974, organizational charts for the commissions, and summaries of

their activities. I hope this information will be of interest to my colleagues. I have asked the Department of State to provide from time to time additional material relating to the work of these commissions involved in the Near East and South Asia.

The letter from the State Department and material submitted follow:

#### DEPARTMENT OF STATE,

Washington, D.C., December 31, 1974.

HON. LEE H. HAMILTON,  
Chairman, Near East and South Asia Subcommittee, Committee on Foreign Affairs, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: As a follow-up to our meeting of December 16 dealing specifically with the Indian and Iranian joint commissions, I undertook to provide periodically information on the structure, membership and activities of the several NEA bilateral cabinet-level commissions. I understand that you plan to publish this information from time to time in the *Congressional Record*.

The first installment in response to your request is enclosed. It concentrates on organization and meetings during 1974. Most of the joint commissions have not yet formally met, though their subordinate bodies may have done so. Accordingly, a report on the results of their activities is premature. We expect that all of the joint commissions will have completed one cycle of meetings during the next few months, and we will send a further and fuller report then.

The enclosed information should be considered preliminary. The organizational charts are not final; we are weighing in the light of our early experience what subordinate bodies are requisite.

Sincerely yours,

SIDNEY SOBER,

Acting Assistant Secretary for Near Eastern and South Asian Affairs.

#### CALENDAR OF MEETINGS OF NEA JOINT COMMISSIONS AND THEIR SUBORDINATE ORGANS, JUNE-DECEMBER 1974

##### JUNE

June 12, Cairo: U.S.-Egypt Joint Cooperation Commission.

##### JULY

July 21-23, Riyadh: U.S.-Saudi Arabia Joint Working Group on Industrialization.

July 24-25, Riyadh: U.S.-Saudi Arabia Joint Working Group on Manpower and Education.

##### AUGUST

August 12-14, Washington: U.S.-Egypt Joint Cooperation Commission and the Joint Working Groups.

August 18, Washington: U.S.-Jordan Joint Commission.

##### SEPTEMBER

September 4-8, Washington: U.S.-Israel Joint Subcommittees on Capital Investment, Trade, and Raw Materials.

September 14-15, Riyadh: U.S.-Saudi Arabia Joint Working Group on Agriculture.

September 16-17, Riyadh: U.S.-Saudi Arabia Joint Working Group on Science and Technology.

September 17-18, Cairo: U.S.-Egypt Joint Subcommittee on Agriculture.

September 26-28, Washington: U.S.-Saudi Arabia Joint Working Group on Industrialization.

##### OCTOBER

October 23-29, Jerusalem: U.S.-Israel Joint Subcommittee on Research and Development.

October 24-26, Cairo: U.S.-Egypt Joint Working Group on Cultural Affairs.

October 28-31, Cairo: U.S.-Egypt Joint Working Group on Medical Cooperation.

October 30-November 1, Jerusalem: U.S.-Israel Joint Subcommittees on Capital Investment, Trade, and Raw Materials.

#### NOVEMBER

November 2, Tehran: U.S.-Iran Joint Commission on Economic Cooperation.

November 3-4, Cairo: U.S.-Egypt Joint Working Group on Technology, Research and Development.

November 3-5, Cairo: U.S.-Egypt Joint Working Group on Economic and Financial Cooperation.

November 10-12, Riyadh: U.S.-Saudi Arabia Joint Commission on Security Cooperation.

November 12, Amman: U.S.-Jordan Joint Commission, meeting of Security Section.

#### DECEMBER

None.

#### SAUDI ARABIA

UNITED STATES-SAUDI ARABIA JOINT COMMISSION

Secretary Kissinger, Co-Chairman.

Prince Fahd, Co-Chairman.

Joint Commission on Economic Cooperation

Secretary of the Treasury, Simon.

Minister of State, Aba Al Khayl.

Executive Secretaries, Asst. Sec. Parsky; Dr. Solaim.

Joint Commission on Security Cooperation

Asst. Sec. of Defense for International Security Affairs, Ellsworth.

Vice Minister of Defense, Prince Turki.

Industrialization Working Group

Commerce\*, State, Treasury, AID, TVA.

Manpower and Education Working Group

Labor\*, HEW, AID, State.

Science and Technology Working Group

National Science Foundation\*, State, Interior.

Agriculture Working Group

Agriculture\*, Interior-USGS.

Established: June 8, 1974 by Secretary Kissinger and Prince Fahd. Informal meetings during Sec. Simon's July, 1974 visit.

Meetings: Joint Commission on Economic Cooperation: February 1975 (scheduled).

Joint Commission on Security Cooperation: November 10-12, 1974.

Working Groups: Industrialization, July 21-23, 1974; September 26-28, 1974.

Manpower and Education, July 24-25, 1974. Science and Technology, September 16-17, 1974.

Agriculture, September 14-15, 1974.

#### EGYPT

U.S.-EGYPT JOINT COOPERATION COMMISSION

Secretary Kissinger—Co-Chairman.

Foreign Minister Fahmy—Co-Chairman.

Working group on economic and financial cooperation

Treasury\*, State, AID, Commerce, Agriculture.

Subcommittees—Attached to Working Group on Economic and Financial Cooperation

Investment: Treasury, State, OPIC, Commerce.

Economic Development: AID, State, Treasury, Commerce.

Agriculture: Agriculture, State, AID, Treasury.

Suez Reconstruction: AID, State, Treasury, Commerce.

Trade: Commerce, State, Treasury, AID.

Working group on technology, research and development

State\*, AID, NSF, Agriculture, Commerce, AEC, Interior, EPA.

Working group on medical cooperation

HEW\*, AID, U.S. Navy, State.

Working group on educational and cultural exchanges

State\*, AID, Smithsonian, HEW.

Established: June 14, 1974, in "Principles of Relations and Cooperation Between Egypt

\* Chairman.



and the United States," signed by former President Nixon and President Sadat.

*Meetings:* Joint Cooperation Commission: June 12, 1974 (Cairo); August 13, 1974 (Washington).

*Working Groups:* Economic and Financial Cooperation, August 13, 1974 (Washington); November 3-5, 1974 (Cairo).

Technology, Research and Development, November 3-4, 1974 (Cairo).

Medical Cooperation, October 28-31, 1974 (Cairo).

Educational and Cultural Exchanges, October 24-26, 1974 (Cairo).

#### U.S.-JORDAN JOINT COMMISSION

Co-Chairmen: Secretary of State Henry A. Kissinger, Prime Minister Zayd al-Rifa'i.

Members: State (NEA, EB, PM, CU), AID, Commerce, Treasury, Defense, OPIC, USIS.

##### *Economic section*

Vice-Chairmen: Administrator of AID, Parker; Crown Prince Hassan.

##### *Security section*

Vice-Chairmen: Assistant Secretary of Defense (ISA) Ellsworth; Chief of Staff LTG Ben Shaker.

June 18, 1974: President Nixon and King Hussein agree to establish the Joint Commission in the communique issued at the end of the President's visit to Jordan.

August 18, 1974: First meeting of the Joint Commission in Washington during King Hussein's and Prime Minister Rifa'i's visit.

Nov. 14, 1974: Security Section of the Joint Commission holds its first meeting in Amman.

Jan. 1975: Economic Section of the Joint Commission holds its first meeting in Amman.

#### ISRAEL

##### U.S.-ISRAEL JOINT COMMITTEE FOR INVESTMENT AND TRADE

Secretary Simon, Co-Chairman.

Finance Minister Rabinowitz, Co-Chairman.

Executive Secretary, Asst. Sec. Parsky, Dir. Gen. Agmon.

##### *Subcommittee on Capital Investment*

Treasury\*, State (EB), Commerce, OPIC.

##### *Subcommittee on Trade*

State (EB)\*, Commerce, STR, Agriculture, Treasury.

##### *Subcommittee on Raw Materials*

State (EB)\*, Commerce, Agriculture, Treasury.

##### *Subcommittee on Research and Development*

Commerce\*, State, NSF, Agriculture.

Established: July 18, 1974, during Secretary Simon's visit to Israel.

Meetings: Joint Committee: January 27-28, 1975 (scheduled).

Subcommittees: Capital Investment, September 4-8, 1974, October 30-November 1, 1974.

Trade, September 4-8, 1974, October 30-November 1, 1974.

Raw Materials, September 4-8, 1974, October 30-November 1, 1974.

Research and Development, October 23-29, 1974.

#### INDIA

##### U.S.-INDIA JOINT COMMISSION

Secretary Kissinger, Co-Chairman.  
Minister of External Affairs Chavan, Co-Chairman.

*Economic and commercial subcommission*  
State\*, Treasury, Agriculture, Commerce, STR, Eximbank.

*Scientific and technological subcommission*  
State\*, National Science Foundation, Agriculture, AID (ex-officio), HEW (ex-officio).

*Educational and cultural subcommission*

\*Chairman.

Mr. Robert Goheen\*, Council on Foundations, Nongovernmental Members, State, HEW.

Established: October 28, 1974, by Secretary Kissinger and Minister of External Affairs Chavan.

Meetings: Joint Commission: March 1975 (scheduled).

Subcommittees: Economic and Commercial, January 20-21, 1975 (Washington) (scheduled).

Scientific and Technological, January 27-29, 1975 (Washington) (scheduled).

Educational and Cultural, February 1-3, 1975 (New Delhi) (scheduled).

#### IRAN

##### U.S.-IRAN JOINT COMMISSION ON ECONOMIC COOPERATION

Secretary Kissinger, Co-Chairman.

Minister of Finance Ansary, Co-Chairman.

##### *Committee on Agriculture*

Agriculture\*, State (EB, NEA, OES), NASA, TVA, NSF, Interior, Treasury.

##### *Committee on Science and Education*

State (OES)\*, NSF, National Bureau of Standards, Other technical agencies.

##### *Committee on Defense and Security*

(Under consideration.)

DOD/ISA\*, State (NEA, PM, EB), CIA, NSC, Treasury.

##### *Committee on Economic and Financial Affairs*

Commerce\*, State (EB, NEA), Labor, Treasury, DOD/ISA, OPIC, Interior, Eximbank.

##### *Committee on Nuclear Energy*

ERDA\*, State (OES, NEA), Nuclear Regulatory Agency.

##### *Committee on Manpower and Technical Cooperation*

HEW\*, Labor, State (CU, NEA), AID, Commerce, Treasury, USIA.

Established: November 2, 1974, during Secretary Kissinger's visit to Tehran.

Meetings: Joint Commission: November 2, 1974, March 1975 (scheduled).

Committees: : prior to March 1975 (scheduled).

##### SUMMARY OF JOINT COMMISSION ACTIVITIES DURING 1974

During 1974, the United States established bilateral commissions at the cabinet level with six countries of the Near East and South Asia: Saudi Arabia, Egypt, Jordan, Israel, India, and Iran. The commissions are diverse in character and are tailored to the particular interests and requirements of each partner. In each case, however, the commission demonstrates a mutual desire to develop a special relationship which goes beyond normal diplomatic discourse. With certain of these countries, we have long enjoyed close and friendly ties; we want to strengthen them. With other countries, we want to move to a new relationship of greater amity and greater maturity. We intend under these commissions to encourage connections between all elements of our society and theirs, while broadening cooperation in such fields as cultural exchange, economic and social development, and science and technology.

#### SAUDI ARABIA

The joint statement of June 8, 1974 (attached), establishing two bilateral commissions discusses the aims of the two governments. Under the Joint Commission on Economic Cooperation several dozen technical experts have gone to Saudi Arabia to assess the situation, investigate areas in which economic cooperation would be useful, and discuss possible programs with the Saudi Government. The joint working groups established under the commission have all met at least once to examine the same questions on a broad basis. Both governments are now

reviewing the experience gained during the past six months and digesting the reports of individual experts and teams. A preparatory meeting will take place January 5-6, 1975, in Riyadh to review developments jointly, and lay the groundwork for the first meeting of the Joint Commission in February. It is expected that technical advice provided by the U.S. Government to the Saudi Arabian Government will be on a fully reimbursable basis.

The Joint Commission on Security Cooperation formalizes a long-standing, continuing relationship. The Joint Commission held a successful meeting November 10-12, 1974, in Riyadh, which was promptly followed by a visit to Washington by Prince Turki, Deputy Minister of Defense and Aviation and Saudi co-chairman of the Joint Commission. During his visit Prince Turki conferred with high Administration officials and key Congressional leaders.

#### EGYPT

The texts of the joint communiqués of June 14 and August 19, 1974 (both attached) discuss in considerable detail the work program of the Joint Commission and the aims of the two governments. The results of the Joint Commission meetings held in June and August were reviewed in these communiqués. Passage of the Foreign Assistance Act in December 1974 provides the basis for funding a number of the activities planned under the auspices of the Joint Commission. The clearance of obstructions to navigation in the Suez Canal, which was completed in December, was the necessary preliminary to reconstructing the economic life of the canal area. Part of our aid will go for this purpose, and help to support the growth of peace in the Middle East.

#### JORDAN

The Joint Commission has formalized and consolidated the close cooperation which has characterized U.S.-Jordanian relations. Both security and economic considerations fall within the scope of the Joint Commission's responsibilities. We do not expect the Joint Commission to change the character of our relations, but it will strengthen them along the existing lines.

#### ISRAEL

The subcommittees formed under the auspices of the Joint Committee all have an economic orientation, and have each met once or twice during the past few months. The work of the subcommittees shares a common aim; to broaden to the private sector already close U.S.-Israel economic relations. The first meeting of the Joint Committee is scheduled to be held January 27-28, 1975, in Washington.

#### INDIA

The text of the October 28, 1974 agreement establishing the U.S.-India Joint Commission discusses the purposes of the two governments. Meetings are expected to be held as follows:

January 20-21, Washington: Economic and Commercial Subcommission.

January 27-29, Washington: Scientific and Technological Subcommission.

February 3-5, New Delhi: Educational and Cultural Subcommission.

March, Washington: Joint Commission meeting.

#### IRAN

Through the Joint Commission we seek to enter into a partnership of equals across a broad spectrum of activities. It is expected that technical assistance provided by the United States Government to Iran under the auspices of the Joint Commission will be on a fully reimbursable basis. The five or more committees formed under the Joint Commission are expected to hold their first meetings during January and February, looking toward a meeting of the Joint Commission in March.

SEEKS INFORMATION ON MISSING  
IN ACTION**HON. HENRY B. GONZALEZ**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. GONZALEZ. Mr. Speaker, today I am introducing a resolution, passed by both the House and Senate in the last Congress but never enacted into law, that would help alleviate the tragic situation surrounding our men missing in action from the Vietnam conflict.

This resolution calls for new efforts by the Government through appropriate diplomatic and international channels to persuade the Government of the so-called Democratic Republic of Vietnam, the so-called Provisional Revolutionary Government of Vietnam, and the so-called Lao Patriotic Front to comply with their obligations with respect to personnel captured or killed during the Vietnam conflict, and that additional efforts should be made to obtain cooperation and assistance in inspecting crash sites and other locations where personnel may have been lost.

It also calls for action by the U.S. Government to do everything it can to bring about reciprocal actions by the parties to the peace agreements, and to bring an end to the abhorrent conduct of the Government of the so-called Democratic Republic of Vietnam, the so-called Provisional Revolutionary Government of Vietnam, and the so-called Lao Patriotic Front regarding our men missing in action.

And it declares Congress support and sympathy for the families and loved ones of the Americans missing in action.

We are no longer debating the question of whether we should or should not have sent troops to Vietnam; that time is past. However, I do wish to argue that the American people whose loved ones have not returned from this conflict have a right to know their whereabouts, and Congress must do everything possible to see that they receive definitive information regarding the MIA's.

On January 27, 1973, the United States signed the Paris Peace Conference Agreement, and at that time almost 2,000 Americans were missing in action or being held as prisoners of war in Southeast Asia.

Today, nearly 2 years later, well over half of these men are still missing and there has been no information of any kind concerning their fate.

We now have a situation in our country where parents, wives, and children continue to ask themselves if it is possible that any of their missing men are still alive. This question continues to plague many of them since there are discrepancies that exist with respect to men whom we know were captured but who are neither released nor accounted for.

It is time that we step up our attempts to assure that everything possible is being done by this country to ease the burden of those families who continue to live in the agony of not knowing the fate of their husbands, sons, and fathers.

I strongly urge my colleagues to sup-

## EXTENSIONS OF REMARKS

port this resolution so that families and friends of our MIA's will continue to believe in our Government's determined efforts in behalf of their loved ones.

**GILMAN SEEKS LONG-TERM DIS-  
ASTER ASSISTANCE FOR FARM-  
ERS****HON. BENJAMIN A. GILMAN**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. GILMAN. Mr. Speaker, today I am introducing a bill which provides long-term financial assistance for farmers who are confronted with substantial real estate and chattel indebtedness as a result of a natural disaster.

This disaster legislation also provides authority for 1-year crop production loans to enable our farmers to increase their production and to return to profit-making operation.

This legislation addresses itself to a nationwide problem. In my congressional district, the mid-Hudson region of New York State, Hurricane Agnes in June 1972, dealt a severe blow to our small family and corporate farms from which many have not yet recovered.

Another blow is about to be struck.

After the Hurricane Agnes disaster, only short-term production loans were made to our farmers by the Farmers' Home Administration because existing regulations barred long-term financing where a farmer's real estate indebtedness exceeded \$300,000. Considering today's high land values, it is obvious that any fair-sized farm is likely to sustain damage and destruction far in excess of \$300,000 in a major disaster. This ill-conceived, arbitrary limitation prevented our region's larger farms from securing adequate long-term financing. Farmers throughout the Nation face similar problems.

It was recognized, at the time of these short-term loans, that recovery from the disaster would depend upon our farmers' enjoying optimum harvests and securing renewals of their loans from FHA—renewals which, if necessary, FHA pledged to make each year for up to 5 years.

However, the FHA—Administrator Frank B. Elliott—wrote me in February 1974, that:

Based on the Department's interpretations of Sections 4 and 10 of Public Law 93-237, which became law on January 2, 1974, FHA will no longer have authority for making subsequent emergency loans after the 1974 crop year.

As a result, our farmers who were just beginning to emerge from the 1972 Agnes disaster, are facing disaster anew.

We must help them. America grew strong and powerful on the strength of her agricultural community. They have never failed us and we must not fail them now, in their hour of need.

Our farmers are facing a double bind. Rising costs of production, coupled with dropping farm prices and lower revenues, are threatening many farms with economic extinction, not even considering the devastating impact of the necessity

of the FHA's demand for paying off all farm indebtedness immediately.

This bill provides long-term refinancing assistance to farmers, ranchers, oyster planters, and agricultural corporations and partnerships up to a maximum of \$5 million. The proposed period of repayment is 7 years for any loan secured by any interest in personal property, and 40 years for any loan secured by an interest in real property. It also authorizes 1-year crop production loans. The interest rate on these loans shall not exceed 5 percent.

This legislation represents a commitment by our Nation to prevent bankruptcy for farmers who have been inflicted with severe financial losses as a result of a natural disaster. This type of emergency loan program provides significant assistance for the survival of our farmers without imposing any fiscal strain on the budget.

In an era when world food demands are rising inexorably, productive farms are an asset too valuable to waste.

## A GASOLINE TAX

**HON. DONALD M. FRASER**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. FRASER. Mr. Speaker, I hope that my colleagues will join me in sponsoring H.R. 1608, the Tax Relief and Energy Conservation Tax Act, which I introduced last week in order to provide a stimulus to our lagging economy and to cut back on oil imports. This legislation would:

First, boost consumer purchasing power by lightening the tax burden of low and moderate income people, and

Second, reduce oil consumption by taxing gasoline an additional 20 cents a gallon.

The 20-cent tax would be refunded to low and moderate income people. Special provisions would be made for car-based businesses and for workers who have to commute unusually long distances. Details of the proposal appear in the CONGRESSIONAL RECORD of January 16, pages 477-478.

A gasoline tax has decided advantages over the President's plan to tax crude oil. The reverberations of a gas tax can be dealt with directly, through rebates such as I have proposed; whereas the inflationary impact of a price increase for all oil products could prove an economic disaster.

Furthermore, a gasoline tax is the most effective way we have of assuring a changeover to smaller, more efficient cars, a move that offers a solution to both our oil-supply and transport problems.

In an article in the January 19 edition of the Washington Post Robert J. Samuelson writes that:

Clear government policy to restrict gasoline use, especially an increase in the gasoline tax, would create demand for small cars by giving them a significant advantage in operating economies over bigger cars.

Mr. Samuelson characterizes the President's energy program as "soft on the



automobile." He fears that this program, based on the President's concern for the near-term health of the auto industry, could imperil the long-term health of the Nation. "In an energy-short world," Mr. Samuelson concludes, "who can doubt that keeping factories running is a more vital use for fuel than feeding greedy cars?"

I include in the RECORD at this point the text of Mr. Samuelson's article:

AUTOS AND FUEL: POSTPONING THE INEVITABLE  
(By Robert J. Samuelson)

The last week has provided eloquent testimony to the national reluctance to come to terms with the enormous energy appetite of the automobile.

Contrary to the widespread public impression, President Ford's major energy proposal—his complicated tax and tariff on crude oil, which will raise gasoline prices an estimated 10 cents a gallon—is soft on both the auto industry and the average American driver. Other fuel prices will rise much more in percentage terms.

Rejecting a stiff (probably 30- to 40-cent) increase in the gasoline tax may have been the President's most fateful energy decision. It relieved pressure on the auto industry to break radically with its past: to produce a basic, simple, fuel-efficient car. Shorn of many of today's common accessories, that car would give good fuel mileage but less power and comfort than current automobiles. It would be intended primarily for transportation, not ego gratification, sex appeal, or even driving pleasure.

Like it or not, such a car is probably inevitable, and it is a good bet that a big increase in the gasoline tax—coupled with stiff increases mandated for later years—would have forced the public and the auto industry to accept the inevitable. Postponing it only risks crippling the nation's energy policy. Any program that fails to quench the fuel thirst of American cars—automobiles consume more than one-third of U.S. oil—invites ultimate failure.

That this simple logic has no political appeal is obvious, but, unfortunately, there is a more fundamental problem handcuffing the White House and Congress. Because the auto industry's collapse lies at the heart of the current recession, the more the government makes fuel efficiency an obsession, the more it risks driving the consumer away from today's big cars—in short, prolonging the industry's stagnation and high unemployment. A genuine dilemma exists here. The President's response (and Congress', too) is to try to solve both the energy and economic problems simultaneously, but the sad irony is that attempting this feat may end up making both problems worse, not better.

#### A MODEST GOAL

It is easy to see what has been sacrificed on energy. The administration, tugged between its desire to stimulate economic recovery and its long-term objective of reducing fuel consumption, the administration attempted to reconcile the twin goals by negotiating directly with the auto manufacturers. The White House's target of improving gasoline consumption of new cars 40 per cent by 1980 sounds impressive, but there is less to it than meets the eye.

First, the auto manufacturers gave no ironclad guarantee that they would actually achieve that goal, and even if they do, it would still mean an average of only 18.7 miles a gallon for the Big Three manufacturers. That's not light years ahead of 1950's average of 15 miles a gallon and it's well below that many other auto makers achieve today. Indeed, the other manufacturers (American Motors and importers) pledged to raise fuel consumption to an average of 24 to 25 miles

a gallon, resulting in an overall 1980 target of 19.6 miles a gallon.

Part of the reason for the modest increase is the way the Big Three apparently plan to achieve their improvement. According to Raymond E. Goodson, chief scientist of the Department of Transportation, who has seen Detroit's tentative ideas to meet the 1980 target, the Big Three anticipate no dramatic shift to smaller cars; they hope to achieve much of the gain in fuel efficiency by internal engine changes and reductions in the weight of current cars. Goodson says that there might be a 5 per cent to 7 per cent shift to smaller cars, but that basically the manufacturers foresee a sales mix "not too much different from 1974."

The consequences for overall oil consumption in delaying a shift to smaller cars would be felt primarily in the late 1970s and early 1980s. Because there are already more than 100 million cars on the road—and more drivers and cars every year—even a dramatic improvement in new-car fuel efficiency only gradually cuts into total gasoline consumption. The longer the government hesitates in inducing this maximum improvement, the more difficult it makes the future job of managing fuel shortages. The extent of such shortages, of course, is a matter of conjecture, but the instability of the Mideast, the high price of oil and the current economic slowdown—if the economy picks up, so will the demand for fuel—would make a betting man wary of being too optimistic.

All this is understandable, but what is more murky is how an effort to protect the auto industry (by avoiding a huge increase in the gasoline tax) could actually end up hurting it. With thousands of unsold large cars sitting in parking lots, a large rise in the gasoline tax seems nothing more than an act of economic madness, making the bigger cars still more unattractive. On the other hand, the relatively mild treatment of gasoline prices in the energy package, combined with the proposed tax cut, seem a straightforward and understandable strategy to revive the auto industry from its disastrous slumber.

Perhaps the strategy will work, but if it does, the cure may turn out to be only temporary, simply foreshadowing another downturn in car sales later. The reason is the peculiar nature of the current slump, which was unpredicted by auto executives and most economists alike.

#### THE UNCERTAIN BUYERS

It isn't difficult to sympathize with the auto executives' current confusion and agony. Most standard cars aren't selling well, which isn't surprising, but—contrary to what many of the industry's critics predicted—the smaller cars aren't booming either. The industry's conventional explanations for this (inflation, recession, and federally mandated safety and pollution costs) really don't fully account for the severity of the downturn. The added element is simple uncertainty. Many buyers obviously can't quite resign themselves to paying the higher prices on smaller cars and getting less power, less comfort and less status. But neither are they willing to pay still higher prices for bigger cars without assurances that the cheap gasoline demanded by those cars will be available.

By rejecting both rationing and a stiff gasoline tax, the White House is attempting to dispel this uncertainty. It is also attempting the impossible. As long as fuel shortages remain live possibilities—and that's the foreseeable future—then both rationing and a big excise tax increase will remain on the shelf of likely solutions. Torn now between past preferences and current uncertainty, buyers will remain vulnerable to future attacks of the same paralysis. The auto industry will continue to cling to the illusion that it can accommodate to the new energy reality simply by slimming down its current cars and tinkering with the innards.

"They're scared that Americans simply won't buy small cars no matter how hard they market them," says one government official. But if a new energy crunch comes, the industry is likely to be caught out of step again and the disastrous experience of the past year may simply repeat itself: Buyers will desert larger cars (which will still have relatively poor gas mileage) in droves, causing auto layoffs and assuring that an energy crisis automatically becomes an economic crisis.

What the auto makers desperately need is an end to the current uncertainty that would permit them to gear up—as rapidly as possible—to produce cars for which there is a relatively long-term, assured demand. The only way to create such a climate is for the President to indicate decisively that fuel-inefficient cars—including conventional large cars, even slimmed down—are a luxury that an energy-short America can no longer afford. To do that requires not only tough, clear language, but also the tough, clear action of either a gasoline tax or rationing. Such action, especially an increase in the gasoline tax, would create demand for small cars by giving them a significant advantage in operating economies over bigger cars. As long as new car prices continue increasing and gasoline prices don't, many owners of existing cars won't be tempted to trade in their current models.

#### NO QUICK RELIEF

None of this, however, necessarily promises any quick relief for the auto industry. Even if they wanted to, the auto makers couldn't shift instantly to full production of smaller cars. Expensive new tooling simply doesn't materialize from thin air; there are two-year to three-year lead times, and the tooling industry itself has limited capacity to produce new equipment. Moreover, the car manufacturers have enormous investment in existing plants and equipment designed to build larger models. A radical change to smaller cars would make obsolete much of this investment; indeed, in its negotiations with the manufacturers, the Department of Transportation appears to have avoided insisting on a maximum conversion.

Faced with all these realities and the further reality of Detroit's bulging parking lots, the President proposed his complicated plan for a tax and tariff on crude oil.

That the plan is soft on the automobile may come as a surprise to most consumers, but a close examination of the intricacies of oil pricing shows that this is so. Such an examination begins with the byzantine pricing structure of crude oil. Rather than one price of oil in America today, there are three: imported oil, which reaches American shores at about \$12 a barrel; so called "new" U.S. crude, which is not covered by price controls and sells for about \$11; and "old" U.S. crude, whose price is controlled by the government at \$5.25 a barrel. The Ford proposal is to end price controls on the "old" oil (which presumably would raise its price to about \$11 a barrel, too), then slap a \$2 excise tax on U.S. crude and a \$2 tariff on imported oil. (The tariff would initially be set at \$3 but would be reduced once Congress gives the President authority to impose the excise tax on domestic crude). The final price of all oil would be about \$13 to \$14 a barrel, about a 50 per cent increase from today's average of about \$9.

What matters to consumers, of course, is the final price they pay. Here the arithmetic is crucial.

For a variety of reasons, a gallon of gasoline has traditionally cost more than a gallon of most other oil fuels (the reasons include the existing state and federal excise taxes on gasoline and the extra refining and marketing costs for gasoline). This means that passing through the increase in crude oil prices to final fuel products on a roughly equal basis—

the same penny increase on each gallon of fuel—results in a lower percentage increase for gasoline than for most other fuels. The following table shows this (there are 42 gallons in a barrel, meaning a \$4.50 increase in a barrel of oil adds 10 cents to every gallon of fuel):

Fuel (per gallon)	Current price (cents)	New price (cents)	Percent increase
Gasoline.....	52.0	62.0	19.2
Home heating oil.....	35.6	45.6	28.0
Jet fuel.....	23.6	33.6	42.3
Diesel fuel.....	49.6	59.6	20.0

The same arithmetic means that gasoline prices have risen less significantly over the last 18 months than other fuel prices. Since mid-1973, for example, gasoline prices have increased about 37 per cent, but diesel fuel is up 49 per cent, home heating oil 66 per cent, aviation fuel 100 per cent and residual fuel oil (burned by electric utilities and factories) 143 per cent. Most of these increases, of course, are less visible to consumers than rises in gasoline prices—which may be one reason why the President found his tariff-tax proposal so attractive—but they affect the price of almost everything.

The sad thing is that, in trying to avoid the unpleasant shock effect of a large increase in the gasoline tax, the President evolved an alternative policy whose economic impact seems much worse. Given the huge increases that have occurred in most other fuels, common sense suggests that most businesses—and many consumers—have already eliminated the most obvious and least painless forms of energy waste.

Thus, higher prices now will increasingly cause businesses either to increase their own prices or to save fuel simply by cutting back production. The White House estimates that the policy may add 2 per cent to consumer prices. Combined with previous estimates of a 1975 inflation rate of 6 per cent to 9 per cent, this additional increase virtually eliminates any chance of a meaningful reduction in inflation—a decline that administration economists repeatedly have cited as a prerequisite to restoring consumer confidence and leading a sound economic recovery.

Little reliable information exists about how consumers will react to price increases, but common sense suggests that curbing unnecessary driving may have been a less painful and inflationary alternative. If the economy revives, it can only increase the demand for fuel, either causing new shortages or threatening the President's objective of reducing imports.

Likewise, increasing the price of all domestic oil so sharply seems a strange way of convincing the international oil producers that their prices are too high. It tempts them to make further increases of their own. The fact that the President's policy actually treats the automobile relatively mildly will not be lost on foreign officials of both exporting and consuming nations. The chance of enhancing the United States international bargaining position (or at least its moral position) by dealing realistically with the auto—which is seen widely as the most conspicuous example of U.S. energy extravagance—will be lost.

The inability to come to terms with the enormous energy appetite of the auto is not only a quirk of the President's. There has hardly been an outpouring of congressional sentiment for the unpopular steps that might reorient the American consumer and the auto industry. Platitudes about mass transit sound fine but, given America's suburban and rural geography, even the most ambitious transit schemes can relieve only a tiny part of the transportation burden from the car. In an energy-short world, who can doubt that keeping factories running is a

more vital use for fuel than feeding greedy cars? That seems a simple truth, but, if so, it's one that Americans are having difficulty seeing and accepting.

## WORKERS IN PERIL

### HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. OBEY. Mr. Speaker, no one knows the exact number of Americans who lose their lives each year as a result of diseases they developed from working in unhealthy surroundings. Some of these diseases may take 20 or 30 years to develop and in many cases they are the result of a combination of factors rather than exposure to a particular chemical. The excessive number of deaths from certain diseases among workers in particular professions, however, has given some indication that the number of Americans who lose their lives from occupational disease may be in excess of 100,000 each year.

The following article, the third in a series from the Washington Post, examines the possible magnitude of the occupational health problem:

[From the Washington Post, Jan. 4, 1975]

100,000 MAY DIE FROM JOB ILLNESSES

(By Douglas Watson)

The two federal agencies with primary responsibility for safeguarding the health of American workers disagree sharply on how many deaths are caused each year by occupational illnesses.

As many as 100,000 Americans may die each year from conditions they are exposed to in their jobs, the National Institute for Occupational Safety and Health (NIOSH) says.

However, the Occupational Safety and Health Administration (OSHA), which establishes and enforces federal safety and health standards after receiving recommendations from the national institute, says that in its first annual survey there were reports of only 330 people dying from illnesses incurred from working conditions.

While standing by their own respective figures, officials in both agencies agree that no one really knows how many Americans are dying or becoming ill each year from occupational diseases.

OSHA says that only six of every reported 100 work-caused fatalities resulted from an illness. The other 94 percent involve on-the-job accidents. However, that may only indicate that accidents generally are reported, while work-related illnesses that quietly sicken unsuspecting workers often aren't.

NIOSH estimates that 390,000 Americans each year develop new occupational illnesses, while OSHA says that in its first national survey it received reports of 255,144 workers in industries other than mining and farming who contracted occupational illnesses.

Who has an occupational illness? A worker who felt sluggish and irritable and was told by his doctor he had arthritis? Bricklayers who often suffer severe sunburns after working in tar and brick dust?

The point is that often nobody really knows what constitutes occupational illness, and few except the workers who are ill really care. Sick employees must prove an illness is work-caused in order to obtain just compensation. Often the employees are the least able to find out what is weakening or killing them.

Here are two examples of what might be occupational illnesses from Bethlehem Steel's Sparrows Point complex near Baltimore, which with 22,000 employees is Maryland's largest private employer.

Herman B. Davis, 60, worked steadily as a Sparrows Point steelworker for 33 years until last April 27 when what he had thought was an arthritic condition suddenly worsened. "It started in my hip. It hit me in the evening in the middle of my shift. I had to drag myself to my car," recalled the 6-foot-2, 215-pound Davis.

He wasn't suffering from a typical case of arthritis, but from a higher than normal level of lead in his system.

For 29 years Davis worked in the galvanizing department of Sparrows Point's rod and wire mill where wire is run continuously through a bath of lead heated to 1,500 degrees Fahrenheit.

Several months before Davis' illness became obvious, United Steelworkers Local 2609 became concerned about lead exposure in the galvanizing department and asked Dr. Edward P. Radford, a professor of environmental medicine at Johns Hopkins University, to examine the work site and employees.

Dr. Radford took blood samples from 15 workers and said in a report sent to Bethlehem Steel on Feb. 15, "Seven of the 15 workers showed definite evidence of occupational exposure to lead, that is, blood levels about 40 micrograms per 100 cubic centimeters . . . There is no question that there has been significant lead exposure in this operation . . ."

The company agreed to follow-up study of lead levels in galvanizing department workers. Finally, on June 27, it reported, "Four employees who were assigned as reelers were found to have blood lead values above 80 micrograms per 100 cubic centimeters. This level has been determined to be the maximum allowable industrial exposure."

The company and its critics disagreed over what constituted too much lead, the oldest recognized industrial poison that can enter and accumulate in the body through inhalation, ingestion or absorption through the skin.

The National Institute for Occupational Safety and Health (NIOSH) says an 80 microgram lead level in the blood is the point "posing a risk of lead poisoning," thus supporting the company's position.

However, other medical experts agree with Dr. Radford that lead exposures of more than 40 micrograms can be hazardous, including Dr. David Rall, director of the National Institute for Environmental Health Sciences.

Davis was one of the four workers found to have blood levels above 80 micrograms.

The effects of a high lead level may go unnoticed for years but can result in hardening of the arteries, kidney disease and death. Those suffering from lead poisoning often seem anemic, irritable, have headaches and generally feel weak.

Davis, who grew up on a south Virginia farm but now lives with his wife and two children in an attractive West Baltimore row-house, had been complaining like other men in his department of headaches and nausea. He often felt too sick to eat his lunch and though he said he was normally a mild-mannered man, he had become very irritable at home.

Now, having been away from the galvanizing department for eight months, Davis said he feels better but continues to suffer from an arthritic-like condition that keeps his left ankle swollen and brings pain to his joints, fingers and shoulders. Davis is being treated by a specialist. This specialist has said Davis is not well enough to go back to work at the mill.

Davis' company health benefits, set by contract at \$104 a week for a specified time, have run past that time and are now at \$33.37



a week, leaving the family relying heavily on Mr. Davis' pay check.

Last spring Bethlehem Steel officials said the lead hazard in the galvanizing department had been eliminated. However, Rachel Scott, then a Baltimore Sun reporter who has written a book on occupational health hazards called "Muscle and Blood," shortly afterward toured the mill.

"Suddenly I noticed there was a lot of white 'snow' floating down from the ceiling," Miss Scott recently recalled. The company's industrial hygienist disagreed at the time that the falling dust contained lead, but analysis by a state laboratory done at Miss Scott's urging, found it contained more than 50 per cent lead.

A company spokesman then said the lead exposure was only temporary, caused by construction under way to improve conditions. However, veteran workers there disagreed.

"The lead condition existed there for the last 20 years," said Davis.

Bethlehem Steel has cleaned the mill and agreed to annual check-ups for galvanizing department through urine tests. Dr. Radford said that blood tests also should be given routinely to check the workers' lead levels.

Carroll Filliaux, like a lot of his fellow 150 bricklayers at Sparrows Point, has been badly burned upon going out into the sun after working with tar-impregnated chrome bricks.

The bricklayers at Sparrows Point regularly relime the mill's many furnaces with bricks, which are subsequently burnt away by the intense heat of steel production.

The furnaces are several stories high with the only exit at the top. Ventilation hoses are used to pump fresh air into the furnaces and to pump brick dust away from the working men, but two bricklayers said much of the dust tends to hang in the air.

The tar-impregnated chrome brick is used to relime the mill's two huge basic oxygen furnaces, which can produce as much steel in 35 minutes as older furnaces do in eight hours.

When working in the basic oxygen furnaces, the bricklayers said, their sweaty skin absorbs some of the tar in the fumes. Al Rush, a bricklayer and union representative, said the burns occur when the bricklayers go out in the sunlight, which apparently sets off a reaction from the absorbed tar that some say results in severe sunburns.

Filliaux, chairman of United Steelworkers Local 2510's safety and health committee, said: "You're going to get one hell of a burn when you go out the next day into the sunshine. You'll lose a couple of days of work: We're having guys go to the dispensary all the time with burns, and I mean all the time."

The burns go away, he said, but "what the guys are really concerned about is what may be going on inside" them as a result of the dust they must breathe on the job.

When asked about the workers who said they had worked-caused illnesses, a Bethlehem Steel spokesman said, "The medical records available to us do not indicate that these individuals are suffering from work-related illnesses."

Daniel Doherty, chairman of the Maryland Workmen's Compensation Commission, said almost all of the thousands of employees throughout the state who apply for Workmen's compensation benefits are victims of on-the-job accidents, not occupational illnesses.

The Maryland workmen's compensation law says that except in the cases of "silicosis, asbestosis or other pulmonary dust disease," employers are not liable for compensation to their workers unless it is shown "to a reasonable degree of certainty" that the illness was caused by the working conditions.

Al Hall, chairman of the workmen's compensation committee of United Steelworkers Local 2609, said, "I think there are many ill-

nesses that are job-related, but companies don't admit liability to these things. You have to prove it medically." Few ill steelworkers even try.

Rep. David R. Obey (D-Wis.) in a recent speech to the Society for Occupational and Environmental Health, listed some possible indicators of the occupational illness threat:

Certain groups of employees, such as the steel industry's coke oven workers, are contracting some diseases at rates many times that of the general population.

Development of new industrial chemicals has occurred so rapidly that little is known about the toxicity of many.

The long latency period of 20 to 30 years between the first exposure to a dangerous chemical and the occurrence of irreversible disease means that it may be several decades before we have a true understanding of what those chemicals have done to the nation's health.

"A steady increasing percentage of Americans of all ages of both sexes—those who don't smoke as well as those who do—are dying of lung, liver, and bladder cancer."

"Perhaps 80 to 90 percent of those cancers are induced by environmental factors."

"Certain nonmalignant diseases of human organs most directly affected by environmental impurities are killing more Americans each year."

Obey told the gathering of health experts, "Many of the people I represent have probably seen front-page headlines tentatively linking hazard 'X' or chemical 'Y' with cancer, but they see them as isolated incidences, not part of the whole. The public does not see the potential overall meaning of the chemical problem."

The Wisconsin congressman said there will be no problem getting funding for occupational health research, as there is now, "Once printers become fully aware of the cancer respiratory disease hazards posed by benzene polychlorinated biphenyls; once machinists understand the possible link between cancer of the scrotum and various cutting oils; once beauticians begin to realize that the unusual incidence of malignancies in their profession may be linked to their unusually heavy exposure to a number of potentially dangerous untested chemicals, and once Americans begin to understand the pattern of it all."

#### FELLOW ST. LOUISAN ELECTED AS BOARD CHAIRMAN OF NAACP

#### HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. CLAY. Mr. Speaker, it comes with great pride and pleasure that a fellow St. Louisan and personal friend was elected to the high post of chairman of the National Association for the Advancement of Colored People, Margaret Bush Wilson has achieved a victory in being chosen the first black woman to assume leadership of this organization with a membership of 440,000. At a news conference in which the announcement was made, Mrs. Wilson said:

I assume they elected me because I'm competent and professional. My sex and my race are accidents of my birth. I take them for granted.

As one who came up from the ranks, she is indeed very competent and well qualified to hold this new position. Mrs. Wilson knows the organization she is about to head from first-hand experi-

ence. She has served as President of the St. Louis NAACP chapter, State President for 4 years, and has been on the national board for the past several years. On the local level back in 1964 she actively worked in a reform movement in the St. Louis NAACP to bring about civil rights breakthroughs for minorities.

As a prominent St. Louis attorney, Margaret has served as acting director of the city's model cities agency becoming a housing specialist. On the State level she was chosen by the Governor to the Missouri Law Enforcement Assistance Council last year. She was one of 3 St. Louisans named to the 10 member Council on Criminal Justice.

Her brilliant mind combined with her activist nature makes her the most articulate and forceful person to accomplish the task that now confronts her. With her youthful outlook, I know she will provide the NAACP with outstanding leadership in these critical times.

#### PLO AT THE U.N.: A "CAPITULATION TO TERRORISM"

#### HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. ROSENTHAL. Mr. Speaker, most Americans felt a sense of outrage over the treatment recently afforded the Palestine Liberation Organization at the United Nations.

The General Assembly votes on the creation of a Palestinian state and on the permanent participation of the PLO at the United Nations means the world body has been taken hostage by a gang of terrorists and its accomplices. These are the same terrorists who, while the U.N. was voting, were holding a British plane and its passengers hostage in Tunis and who earlier in the same week had murdered and maimed innocent civilians in the Israeli town of Beit Shean.

The Arabs and the Communist bloc are using oil blackmail to force votes against Israel and to exclude the Jewish state from the world community of nations. The U.N. vote, rather than marking a new beginning in the Arab cause, may actually be the beginning of the end for the United Nations. It is a sellout to terrorism and extortion. It will only delay if not prevent the attainment of a just and lasting peace for all the peoples of the Middle East.

Bayard Rustin, executive director of the A. Phillip Randolph Institute, has termed the PLO reception at the United Nations as a "capitulation to terrorism and murder." He went on to observe that:

The blatant discrimination against Israel (has) seriously marred the credibility of the U.N. and set back the worldwide cause of social justice and democracy.

Mr. Rustin points out that:

While the black community is not deeply involved in the Middle East crisis, the overwhelming majority of black Americans are deeply outraged by the slaughter of children and innocent civilians during PLO terrorist raids.

I am inserting in the RECORD at this point Mr. Rustin's recent column, written for the black press, about the issues of terrorism and the changes of Israeli "racism."

The column follows:

**THE PLO: FREEDOM FIGHTERS OR TERRORISTS**

One of the most distressing reflections of the unhappy state of world politics is the ease with which words can be perverted, stripped of significance, and made to mean their opposite.

Acts of murder and terrorism are transformed into gestures of "liberation." Hijacking and the slaughter of innocent children are carried out in the name of "peace." The word "racism," once so meaningful to the oppressed of the world, has lost all objective value as it is as often applied to democratic, interracial societies as to those which practice the most extreme forms of apartheid.

The distortion of language is, however, but a symbol of a fundamental surrendering of political and humanitarian principles, typified most dramatically by the warm reception accorded Mr. Yasir Arafat and the Palestinian Liberation Organization by the United Nations. For Mr. Arafat to have shot his way into the General Assembly with a machine gun, only to be greeted by an outburst of applause would have been almost as ridiculous—and deplorable—as the cheers which greeted his tirade of misrepresentation.

What is, after all, the "legitimate struggle" Mr. Arafat and the PLO is conducting. It is a struggle being waged with the tactics of calculated violence, where military targets are avoided, but women, children, athletes, diplomats, airline passengers—the defenseless and uninvolved—are sought and struck down.

By embracing the PLO, the U.N. has given a solemn amen to organized brutality, encouraging along the way no one knows how many other extremist organizations with a grudge against society.

It should be noted that the PLO's terrorism is practiced on dissidents within the Palestinian community as well as on Israelis and their supporters. Mr. Arafat likes to talk of the PLO goal of establishing a "democratic" state, but here again we must distinguish between a word's actual meaning and Mr. Arafat's definition. The PLO is certainly no model of democracy: no one elected Arafat to represent the Palestinians; its authority is guaranteed by the "freedom fighter's gun" to which Mr. Arafat referred at the U.N.

What, then, of the PLO's charge that Israel is a "racist" nation. This accusation has been repeated so often—Arafat made numerous references to Israeli "racism" and "colonialism" in his U.N. address—that it has achieved a measure of acceptance worldwide, and in the American black community.

The question is what do the Arabs mean by "racism?" The standard definition is the systematic oppression of an ethnic or racial minority, very often justified on the grounds that the minority is inherently less intelligent, less clean, less pure or in some way inferior to the majority.

Applying this measurement, it is apparent that some of the most blatantly "racist" regimes are in Arab lands. In Iraq, Jews were hanged in a public square, while today napalm is employed against the dissident Kurdish minority. Syria rivals Nazi Germany in its brutal treatment of its Jewish citizens, who are confined to a cramped quarter of Damascus, prevented from emigrating, and from time to time murdered with official sanction. And in the Sudan, it was non-Moslem blacks who were the target of a genocidal war in which 500,000 were killed and many thousands more forced to flee their homes.

I would not pretend that the racial situation in Israel, where some 400,000 Arabs live as citizens, is perfect. But given the enormous problems confronting her, this small nation

has achieved a level of racial tolerance that is indeed remarkable. The Arabs within Israel enjoy rights and a standard of living unknown to the masses in Moslem nations. They participate politically; elect their own representatives to parliament; receive public education; and belong to Histadrut, the Israeli labor federation. They are, in other words, a part of the progressive institutions of Israeli society.

I believe that the Palestinian people have the right to a homeland, to self-determination, to the resolution of their state of uncertainty. The Jewish people, historically an oppressed people, have the same right. And given the rhetoric and actions of the PLO, there can be little doubt that to accede to the demand of a bi-national state would result in the Jews of Israel being dealt with much like the Jews in Iraq and Syria.

In her brief history, Israel has forged an enviable record of social achievement. At a time when so many appear willing to accept lies as the truth, to reach dishonest conciliation with terrorists, to barter away the most basic ideals of justice and compassion, Israel more than ever deserves the support of people of good will and common decency.

**OAK RIDGE NATIONAL LABORATORY**

**HON. MARILYN LLOYD**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mrs. LLOYD of Tennessee. Mr. Speaker, I have introduced a resolution in the House of Representatives to restore the historic name of the Oak Ridge National Laboratory. My bill proposes that former Congressman Chet Holifield be honored by renaming the Clinch River Liquid Metal Fast Breeder Reactor in Oak Ridge to the Holifield Liquid Metal Fast Breeder Reactor. Such an action properly acknowledges Representative Holifield's contributions to the nuclear energy field and specifically recognizes his interest and support of the fast breeder reactor program.

I share the pride of all Tennesseans in the monumental achievements of the Oak Ridge National Laboratory in the advancement of science and technology. The accomplishments and historic identity of the national laboratory bring prestige to both the State of Tennessee and our great Nation.

Had I been a Member of Congress last year, I would have opposed the renaming of the Oak Ridge National Laboratory. Certainly I would have consulted with officials of the local community and the national laboratory on such an important matter.

Unlike Representative DUNCAN's bill, my resolution respects Congressman Holifield's work in the nuclear energy field. It is a significant tribute to his efforts in providing the United States with the energy to meet our future needs.

I am pleased to announce that Congressmen JOE EVINS, RICHARD FULTON, ED JONES, and HAROLD FORD have all agreed to cosponsor my resolution. I promise to do everything possible to insure the reinstatement of the Oak Ridge National Laboratory's rightful name.

**PRESIDENT'S VETO OF AMENDMENT OF THE TENNESSEE VALLEY AUTHORITY ACT**

**HON. ROBERT E. JONES**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. JONES of Alabama. Mr. Speaker, the House approved by voice vote and sent to the President H.R. 11929 concerning pollution control expenditures by the Tennessee Valley Authority.

President Ford vetoed the measure December 23, 1974, and issued a memorandum of disapproval which indicates a lack of understanding of the legislation and of the nature of the TVA.

An excellent explanation of H.R. 11929, as approved by the House and Senate, has been set forth in a letter to the President by J. Wiley Bowers, executive director of the Tennessee Valley Public Power Association in Chattanooga, Tenn.

Because the misleading comments of the memorandum of disapproval have been printed in the CONGRESSIONAL RECORD, I submit the letter of Mr. Bowers for the attention of my colleagues:

TENNESSEE VALLEY PUBLIC POWER

ASSOCIATION,

Chattanooga, Tenn., January 10, 1975.

THE PRESIDENT,  
The White House,  
Washington, D.C.

DEAR MR. PRESIDENT: I am writing to express a vigorous protest against your December 23, 1974 veto of H.R. 11929, the so-called TVA pollution credits bill passed by the Congress.

The veto is history. But because your Memorandum of Disapproval indicated a lack of understanding not only of the Congressionally-approved legislation but also of the purposes and programs of the TVA, I feel compelled to put on paper the views of the Tennessee Valley Public Power Association on this important matter.

The Tennessee Valley Public Association is a regional organization representing the 110 municipal power systems and 50 rural electric cooperatives that purchase their wholesale power supply from TVA. These 160 locally-owned, locally-managed power distribution systems serve more than 6 million Americans living in parts of seven states.

Your veto message, if we interpret it correctly, made two points:

First, TVA power rates are lower than those in some other parts of the Nation, therefore it is unfair to the rest of the Nation to approve H.R. 11929. It is a fact that TVA rates, although they have risen sharply in recent months due primarily to high fuel prices, are still below the national average. However, the difference in electric rates among the regions of the Nation was not a question in this legislation. Electric rates vary significantly even among individual private power companies.

Second, you believe there is a "fundamental principle" that electricity "should be priced to reflect its cost of production, including the cost of pollution abatement and control," and you oppose a departure from this "principle" in the case of the TVA.

Mr. President, you were misled by advisers who told you about a "fundamental principle" that electric power users—not the general taxpayer—pay for all the cost of pollution abatement and control equipment. Current Federal tax laws are based on the assumption that pollution abatement and control are desirable national objectives, and



that the general taxpayer should, therefore, share in the cost of such facilities. The fact, thoroughly documented in the Congressional hearings, is that the Nation's private power companies (as well as other industries) obtain massive Federally-approved writeoffs of the cost of pollution abatement and control equipment.

Therefore, the general taxpayers share a large part of the cost of pollution control equipment installed by private power companies in New York City and Chicago and Louisville—the cities cited in your veto memorandum.

Federal income taxes paid by the Nation's private power companies have declined from 12% of gross revenues in 1955 to only 2.2% in 1973. And you have proposed additional Federal benefits to the private power industry, while vetoing the TVA measure.

You recommended raising the investment tax credit from 4% to 10% for private power companies—an increase of 150% in tax benefits; you recommended an extension of the five-year writeoff of pollution control facilities by private power companies; and you recommended continuation and expansion of the use of tax-exempt financing by private firms for pollution control facilities.

In 1973, about one-fourth (49) of the major private power companies paid not one penny in Federal income taxes. Your proposed fresh subsidies might lead to an embarrassing situation—an entire private power industry that paid no Federal income taxes! Because many private power companies are already tax-free, you recommended that the Federal Treasury actually write a Government check to any private power company whose tax credits exceeded its tax liabilities. Thus, some private power companies, under your proposal, not only would not pay Federal income taxes . . . they would, astoundingly, receive a check from the Federal Treasury for an excess of tax subsidies!

To make this point clear, let me quote from an official Administration release of October 8, 1974, a Treasury Department release outlining your program to control inflation. This Administration statement said the investment tax credit for private power companies should be raised from 4% to 10%, and that other changes should be made in the tax laws to improve things for these companies. After all of this, the release said, "any remaining credits will be refunded directly to the taxpayers." This, the Administration statement explained, "will help companies . . . which get no benefit from credit because they have little or no income tax liability against which to apply it."

The general taxpayer today pays a sizeable piece of the bill for pollution abatement and control equipment installed by private power companies. Yet you veto a modest measure designed to prove some measure of assistance to TVA, for a limited five-year period, in financing its heavy, \$150-million annual pollution control expenditures on the grounds that there is some "fundamental principle" that the companies and users pay all the costs of pollution control.

The further fact is that any TVA investment in pollution control equipment is the property of the U. S. Government, representing all of the Nation's taxpayers, while the benefits of pollution-related tax breaks to private firms accrue to private stockholders, not to the general taxpayer.

If you and your economic and environmental advisers are strong and unswerving adherents of the "fundamental principle" that the polluter pays, you should vigorously advocate immediate termination of the use of tax-exempt financing by private firms for pollution control investments—a use of public credit for private benefit that is tending to force up the cost of borrowing for legiti-

mate public purposes. If this "fundamental principle" is such a bedrock of Administration policy that it leads to vetoes of any legislation that violates the "principle", you should quickly propose that the Congress repeal the five-year writeoff of pollution control investments permitted to private firms under present Federal law, and other tax laws that permit private firms to share with the taxpayers a large part of the cost of pollution control equipment. You should not allow such flagrant inconsistencies with a "fundamental principle" to stand on the statute books.

It is, of course, totally unwarranted to suggest that there is a "fundamental principle" that the electric rate payer must pay all of the cost of utility pollution abatement equipment, and that the general taxpayer pays none of this cost. It is inaccurate and misleading to state, as you did in your veto message, that "power consumers elsewhere in the Nation . . . are required to bear the costs attributed to pollution control in their power bills."

The facts are that (a) such a "fundamental principle", while it may exist in theory and might well form the basis for national policy, does not in fact exist under present or proposed Federal laws—indeed, it is directly and soundly contradicted by present Federal law; and (b) power consumers elsewhere in the Nation, if served by private power companies, do not bear all of the costs of pollution control equipment, but depend on the general taxpayer to underwrite a major percentage of such costs.

The primary rationale for your veto—that the TVA measure violated the "fundamental principle" that the user should pay for pollution control equipment—is contradicted time and again in the Senate and House hearings, committee reports, and floor debates.

Said Senator Howard Baker in Senate floor debate on November 19, 1974 (page 36438):

"It has been argued that the measure assails the so-called 'polluter pays principle' . . . S. 3057 does not set policy in this area but merely follows the precedent of past congressional action."

"Private industry is afforded various tax relief devices to ameliorate the cost of pollution control equipment. The Tax Reform Act of 1969 specifically provides relief to private industry in the form of accelerated amortization of 'certified pollution control equipment.'"

Said Senator Edmund Muskie in that same Senate debate (page 36440):

"Mr. President, under existing law the consumers of power sold by private electric utilities receive benefits from existing policies. These include Federal tax credits, rapid amortization, and tax exempt bonds as a means of reducing the cost of complying with Federal and State pollution control requirements. None of these privileges are available to the ratepayers in the TVA . . . TVA ratepayers . . . must pay 100 percent of the cost of pollution control. Private electric utility ratepayers at least have the benefit of having part of their pollution control costs borne by the taxpayers of the Nation as a whole."

Said the Senate Public Works Committee report (Report No. 93-1247 of October 8, 1974):

"The increasing capital burdens of environmental programs has in recent years spurred the Federal Government to provide financial aid in various forms to assist in meeting both State and Federal environmental standards. Direct appropriations are provided for Federal installations such as military bases, naval vessels, government buildings, and recreation areas. Federal grants are provided to State and local gov-

ernments for many pollution control activities."

House Report 91-413 (Ways and Means Committee) for Public Law 91-172, which provided the 5-year writeoff for certain pollution control expenditures by private firms, stated:

"Congress has addressed itself to the air and water pollution problem in legislation which it has passed in recent years . . . In effect, private industry is being asked to make an investment which in part is for the benefit of the general public . . . your committee believes it is appropriate to provide an incentive to private industry for antipollution efforts . . . Accordingly, your committee's bill provides that the costs of new pollution control facilities (which are appropriately certified by the relevant State and Federal authorities) may be amortized over a 5-year period."

The House Public Works Committee report on H.R. 11929 (Report No. 93-891 of March 12, 1974) contained a lengthy section headed "Fostering national objectives through tax credits" (pages 25-29) that carefully and thoroughly details the Federal tax laws that provide for tax writeoffs for investment by private firms in pollution control equipment.

Representative Robert E. Jones, a major sponsor of H.R. 11929, said at House Public Works Committee hearings on February 26, 1974:

"For some consumers of electric power, the Nation at large shares a portion of the cost of pollution control and other investments in new facilities through reductions in tax liabilities on profits . . . To encourage and achieve various nationally desirable objectives, part of the cost of investment in private industry is transferred to the general public through reductions in liabilities for payments to the Treasury. This is not the case for investments by the Tennessee Valley Authority."

I hope this extensive list of statements from members of Congress will make clear the misleading nature of the advice you received from officials in the executive branch.

This legislation represented months of debate, discussion and compromise among informed members of Congress. Distinguished Congressional leaders such as Senator Howard Baker of Tennessee and Representative Robert E. Jones of Alabama, leading members of the Senate and House Public Works Committees from the Tennessee Valley, applied to this legislation their years of experience and their knowledge of the purposes and programs of the Tennessee Valley Authority.

It is extremely unfortunate that your advisers—who seem to lack understanding of TVA, of the electric utility field, or of Federal tax laws—should have recommended that you veto this measure. It is unfortunate that you accepted their advice, against the counsel of influential Congressional leaders. The Tennessee Valley deserves better than this ill-advised veto.

Sincerely,

J. WILEY BOWERS,  
Executive Director.

## ON THE NEED FOR NEW ILLEGAL ALIEN LEGISLATION—PART II

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. BIAGGI. Mr. Speaker, I have introduced legislation in the 94th Congress designed to control the grave national problem of illegal aliens in this country. I am pleased to report that 22 of my colleagues have joined me as cosponsors of H.R. 257.

In recent months a great deal of coverage has been donated to the illegal alien problem by newspapers, radio, and television stations across the Nation. One of the finest series was done by the Long Island Press in New York, N.Y. In their final article they spell out their views on the types of proposals which need to be enacted if we are to curb the relentless influx of illegal aliens into this country, and return the 1 million jobs which illegal aliens currently hold back to American workers.

At this point in the RECORD I would like to insert the Press' article entitled "Illegal Aliens—Throw Them Out or Let Them Stay?" I hope my colleagues will take the time to read this article and I hope it will generate some additional support for my bill.

The article follows:

ILLEGAL ALIENS—THROW THEM OUT OR LET THEM STAY?

(By Deborah Orin)

Just what can or should be done about illegal aliens?

Here are some frequent proposals, briefly put:

Keep them from getting in.

Throw them all out.

Let at least some of them stay.

All these proposals call for federal legislation, and none of them can be automatically translated from idea to reality simply by passing a law.

About 95 per cent of illegal aliens come into the U.S. on valid tourist or student visas and overstay them, "melting away" into the general population, according to Immigration and Naturalization Service (INS) officials.

Only 5 per cent of them jump ship here or sneak in over the border without papers, they add.

So many have asked why something can't be done to stop the problem at the source, perhaps just not issue so many visas. State Department aides say it isn't that simple.

Before an alien can get a tourist or student visa, C. D. Scully of the State Department's Visa Bureau recently said, the consular officer overseas must be convinced the alien really intends to go home on time. Job and family ties are key factors in that judgment, he said.

"But determining someone else's intentions is probably one of the most difficult tasks that you can perform," Scully added. "It's very difficult to formulate precise guidelines."

Once the alien enters the U.S., he passes from the jurisdiction of the State Department to the INS. Some say there isn't enough coordination between the two.

At a public hearing about the illegal alien problem in the Elmhurst-Jackson Heights-Corona area, William Donnelly of Elmhurst drew applause and laughter when he asked: "Is it fair to say, then, that the left hand doesn't know what the right hand is doing?"

The INS, however, says the problem isn't lack of coordination, but lack of money.

"At the present time, finding (illegal aliens) is not difficult," said Henry Wagner, investigations chief for the INS. "But being able to hold them or deport them is very difficult because we just don't have the funds."

The INS currently has 201 agents in the New York area, Wagner said, with fewer than half assigned to tracking down illegal aliens. (Others are involved in such areas as criminal and narcotics investigations.)

The INS only has facilities to hold 70 illegal aliens overnight, Wagner added, and others must be released for lack of space.

These manpower and space lacks, according to Wagner, are a major reason why the INS now has a backlog of more than 18,000 complaints about illegal aliens, 796 of them received last month alone. In fact, there's such a heavy volume of complaints coming in from the public that if you call the INS and get a recording, the first thing you'll hear is the special number that handles reports about illegal aliens.

"Most complaints from the public are valid," Wagner said. He estimates that about 25 per cent are erroneous, often due to spite or quarrels or people who don't know that Puerto Ricans are American citizens.

Many complaints, Wagner insists, come from Puerto Ricans and other Hispanics who believe they have lost their jobs to illegal aliens willing to work for less.

If money is a big problem, some say, the solution could be more money. A bill currently before Congress would increase INS funds by \$50 million so about 2,000 new agents could be hired. U.S. Atty. Gen. William Saxbe has suggested this could lead to deportation of illegal aliens holding one million jobs.

But deportation can be a very slow process, especially if an alien has access to skilled attorneys.

"Some lawyers say immigration law is as complicated as the internal revenue law," said Harold J. Grace of the deportation section. He added that appeals to both the INS and the courts are allowed at several points, and one current deportation proceeding is dragging into its 14th year.

But most deportation proceedings don't last anywhere near that long—most aliens simply can't afford it. Some are deported the same day they're picked up by the INS. An alien who agrees to leave "voluntarily" may be given a month or 60 days to wind up his affairs here.

(An alien who leaves "voluntarily" pays his own fare home; unlike a deported alien, he does not need the specific consent of the U.S. attorney general to return to this country.)

How many actually are deported? In fiscal 1974, a total of 1,234 aliens were deported and 10,037 left "voluntarily," according to Grace. That's a grand total of 11,271—or somewhat less than 1 per cent of the 1.5 million illegal aliens the INS estimates are living in the metropolitan area.

"More money and manpower would help, but they are not the complete answer," said INS investigations chief Wagner. "We've got to impose penalties on employers who hire illegal aliens."

Many other officials agree. Hiring illegal aliens is generally conceded to be a profitable business. The U.S. Labor Department says illegal aliens have a "depressing effect" on wages, since they'll work for low pay, often below the legal minimum, and can't risk complaining about salary or working conditions.

But the greedy, exploitive businessman isn't the only one who hires illegal aliens—they've even been found working in the kitchens at the U.S. Merchant Marine Academy at Kings Point.

To cut the profit out of hiring illegal aliens, Rep. Peter W. Rodino, Jr., New Jersey Democrat, is sponsoring a bill that would slap fines starting at \$400 on employers who knowingly hire them.

(The Rodino bill also would rectify some long-standing inequities in the immigration system. Currently, aliens from all over the world except Latin America can apply for resident status while remaining in the U.S. But Latin Americans must go home, and may have to wait as long as two years.)

Rep. Mario Biaggi, Bronx-Queens Democrat, considers the penalties on employers in the Rodino bill just a "slap on the wrist." He's sponsoring a measure that would make it a felony to knowingly hire an illegal alien.

Others object that this approach could discourage employers from hiring anyone who looks "foreign," or speaks with an accent, and thus lead to discrimination.

Another suggested approach focuses on the Social Security card. An illegal alien currently can get a Social Security number even though he can't legally work. So, it is suggested, if proof of legal resident status were required before the card was issued, illegal aliens would find it harder to get jobs.

But others say the "throw them out" attitude goes against America's tradition. They recall that America is a nation of immigrants—as Franklin D. Roosevelt noted when he shocked the Daughters of the American Revolution by starting a speech with the words, "My fellow immigrants."

Immigration quotas are comparatively recent in this country—the first general numerical quotas were set up in 1924. The U.S. tradition of receiving immigrants, combined with the difficulty of finding and throwing out illegal aliens, has sparked support for an "amnesty" approach.

Amnesty proposals vary. Most would set a cut-off date and call for proof of "productive life" or perhaps family ties in the U.S.

The amnesty approach is being explored by a task force on illegal aliens recently set up by Rep. Benjamin Rosenthal, Elmhurst Democrat. The force is expected to make recommendations in about six months, but Rosenthal has emphasized he doesn't expect any quick or easy answers to the complex problem.

One task force member, Victor Mariduena of the United Hispanic-American/Democratic Club of Queens said:

"These people are here. They love this country and love the liberty of American life, and for that reason they make many sacrifices and live in difficult conditions. Is it so terrible to let them share the benefits that we already have?"

## OVERHAUL SOCIAL SECURITY

### HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. RINALDO. Mr. Speaker, there is no assistance program in our Nation more vital, more important and more sacrosanct than our social security system. For hundreds of thousands of the elderly, the income of social security is their only means of survival. They must eke out a living as best they can from the benefits that in many cases are all too meager and insignificant to sustain life.

The glaring need for an overhaul of the social security system was brought home to me once again by an excellent editorial in the Daily Journal of Elizabeth, N.J. The piece accurately points out that those hurting the most from the inadequacies of the system are the poor and the middle class. The current system the editorial says is something akin to a Rube Goldberg invention—a perpetual motion machine.

I would like to commend to my colleagues at this point in the RECORD, the Elizabeth Journal's editorial:

## OVERHAUL SOCIAL SECURITY

Higher federal payroll taxes went into effect on Wednesday.

About 19 million more workers will find that their wages up to \$14,100 will be taxed at an across-the-board rate of 5.85 per cent.

By not taxing in a graduated manner, with



a higher percentage tax for those in the higher income brackets, and by setting a ceiling at \$14,100 instead of taxing all gross earnings on the principle of the progressive income tax, the payroll tax's burden falls excessively on the shoulders of the poor and middle class.

In fact, for some low-income wage earners, the payroll tax takes more out of their pay than the federal income tax, and the trend is getting worse. The Social Security tax has more than doubled over the past four years, from \$405.60 maximum in 1971 to \$824.85 maximum this year.

Meanwhile, many old people try to eke out an existence on Social Security's less than \$3,400 annual average benefit to a retired worker and his wife.

The plight of the aged under Social Security is compounded by grossly discriminatory Catch 22 aspects of the program, which, among other things, penalizes people over 65 who want to continue working, cuts benefits to those over 65 whose income is derived from wages but continues them for those whose income is derived from investments, and slices benefits for married couples where both husbands and wives have had careers as wage earners.

Even the new Supplemental Security Income program (SSI) that went into effect last year only guarantees a minimum of \$146 a month to an individual and \$219 per month to a couple, sums which, during these inflationary times, can scarcely be said to be enough to sustain life.

The Social Security program as presently constituted is probably incapable of raising sufficient funds to pay reasonable amounts to the elderly.

The Social Security Administration will take in an estimated \$68.9 billion in taxes and pay \$68.7 billion in benefits this year.

The system was designed to work as a kind of perpetual motion machine, with presently employed people financing through their payroll taxes the payments made to the retired and disabled or their dependents.

But, as Rube Goldberg should have taught us, perpetual motion machines don't work, and the Social Security machine, which now pays benefits to about 30 million people and is expected to grow by a third over the next 15 years, may conceivably soon start operating at a deficit as the declining birth rate results in fewer active workers paying payroll taxes in proportion to the aged.

With the Social Security Administration already overseeing a variety of programs, including Medicare and the black lung program, and with a strong likelihood that it may be put in charge of whatever national health insurance program Congress passes, the time is rapidly approaching for major overhauls.

The present system rips off the poor and the middle class coming and going, taxing them inequitably when they are wage earners and providing grossly inadequate and discriminatory benefits when they reach the age of 65.

The payroll tax should be scrapped so that Social Security benefits could be funded adequately through general revenues provided by the federal income tax.

Benefits should be decent enough to pro-

vide the above-poverty-level living standard that all of us would wish for our parents, or ourselves, if they or we were old and broke, with built-in incentive for able-bodied senior citizens to work without financial penalty.

As local members of Congress troop back to Washington for the new session, they should be reminded that the problem of the aged should be a legislative priority.

## ON THE NEED FOR NEW ILLEGAL ALIEN LEGISLATION—PART I

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. BIAGGI. Mr. Speaker, without a doubt the problem of illegal aliens now rates as one of this Nation's most serious domestic problems. Presently there are between 7 and 8 million illegal aliens in this Nation, with as many as 1 million of them holding down jobs which rightfully belong to American workers.

I have introduced legislation, H.R. 257, which addresses itself to this aspect of the problem. For the first time, under my bill, it will be an immediate Federal crime for an employer to knowingly hire illegal aliens. Previous legislation in this area merely imposed warnings on employers and allowed them up to 2 years to get rid of any illegal alien employees. We must begin to get tough with employers so as to make it unprofitable for them to continue employing illegal aliens.

In the coming weeks, I will be discussing other aspects of my legislation. At this point in the RECORD I wish to insert a copy of a New York Times editorial written by William V. Shannon entitled "The Illegal Immigrants." I hope my colleagues will study his recommendations closely and will then join me in cosponsoring H.R. 257.

The article follows:

[From the New York Times, Jan. 14, 1975]

### THE ILLEGAL IMMIGRANTS

(By William V. Shannon)

Immigration officials estimate that there are six to seven million aliens in this country who entered unlawfully, including 1.3 million in the metropolitan area. Stated differently, those who have come illegally equal the total of all those who have entered legally over the last 25 years. Lawless entry of this magnitude mocks the nation's immigration law and makes reform imperative.

Most of these illegal immigrants come from Mexico, the Caribbean and Latin America. Others come from a few Asian countries, notably Taiwan, Hong Kong and the Philippines. The motive for emigration is predom-

inantly economic. The United States with its high standard of living is an irresistible magnet for aspiring persons in these poor, overcrowded countries.

Since the incentive is economic, the most effective penalty also has to be economic. Congress ought to impose stiff civil penalties on any employer who employs an illegal alien. Since criminal punishments are rarely imposed for violations of this kind, there is no point in writing criminal penalties into the law. Once employers decide it is too risky and expensive to hire such persons, the word will soon get around the grapevine in communities where aliens live. The flow of illegal entrants can then be expected to diminish correspondingly.

The House of Representatives has twice passed bills to impose such penalties in recent years but the Senate has refused to act. The Senate's failure to respond is due to widespread ignorance about the magnitude of the problem. Another factor is the interest of Senator James O. Eastland, Mississippi Democrat and immigration subcommittee chairman, in making it easy for plantation owners to get cheap foreign labor.

The A.F.L.-C.I.O. has unwittingly contributed to the legislative stalemate by its insistent devotion to the labor certification system unwisely written into the 1965 immigration law. Under this system, jobs are divided into seven categories from professional through skilled and semiskilled to common labor. If the labor market in the community where a would-be immigrant has been promised a job has a surplus of native workers in that category, the would-be immigrant is automatically denied certification by the Department of Labor and denied entry into this country.

The A.F.L.-C.I.O. clings to the illusion that it is protecting the jobs of American workers by this cumbersome, restrictive procedure. All that it actually accomplishes—aside from the multiplication of useless bureaucratic paper-shuffling—is to shut off immigration from Western Europe where would-be immigrants have other alternatives and to discourage law-abiding potential immigrants in every country. Meanwhile, those who live in desperately poor Latin-American countries and who are willing to sneer at the law simply ignore the whole labor certification requirement. They come as tourists and stay to work.

When it reforms the immigration law, Congress would do well to junk the labor certification system. Legal immigrants ought to be issued visas on a first-applied, first-admitted basis with no preferences except for close relatives of American citizens.

Unfortunately, the question of reforming the immigration law has become confused by the separate issue of amnesty for those illegal aliens already here. It will be time enough to provide blanket forgiveness for illegal aliens long resident in this country once the incoming flow of illegal immigrants is drastically reduced.

Such a reduction cannot occur until employers are financially penalized for helping to break the law, until admission procedures for legal entrants are placed on a rational, simplified basis, and until enforcement staffs are greatly strengthened.